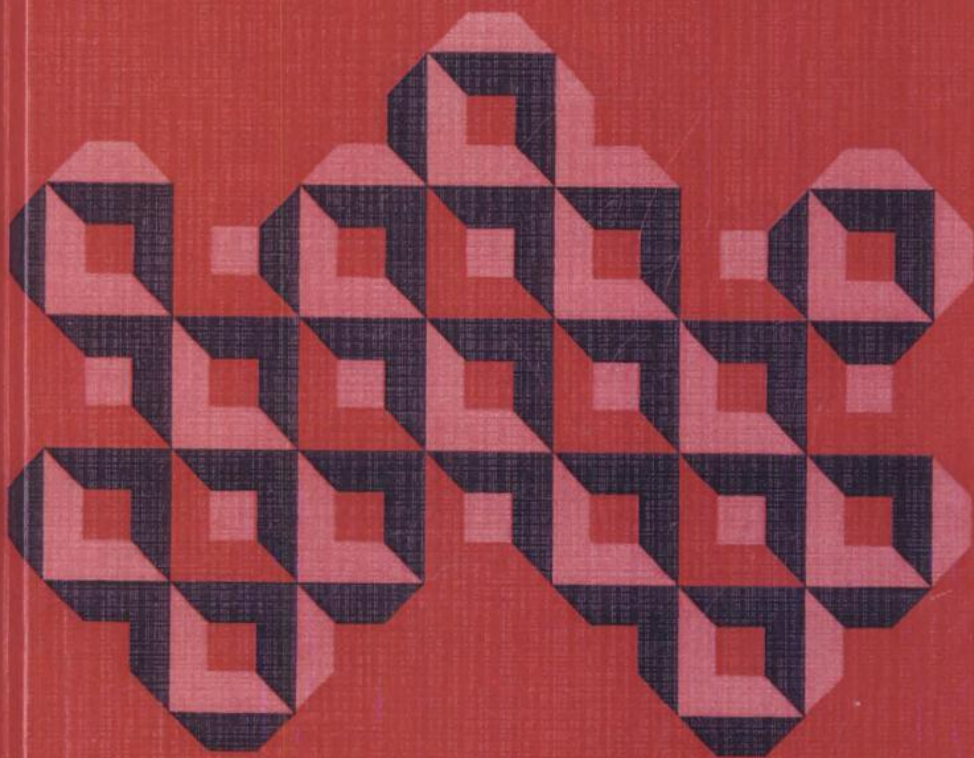


Christoph O. Schroeder

History, Justice,
& the Agency of God
*A Hermeneutical & Exegetical
Investigation on Isaiah
& Psalms*



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HISTORY, JUSTICE, AND THE AGENCY OF GOD

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HISTORY, JUSTICE, AND THE AGENCY OF GOD

*A Hermeneutical and Exegetical Investigation
on Isaiah and Psalms*

BY

CHRISTOPH O. SCHROEDER



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PREFACE

The question that is at the heart of the following investigation is whether the biblical claim that God acts in history and creation is *true*. According to the modern view, human beings are the only agents in the sphere of reality, and events are to be explained in terms of cause and effect. So, how can the biblical talk of God as an agent be understood? Is it necessary to demythologize the biblical texts and to reduce God's acting to human acting or to natural processes?

It is the thesis of this investigation that the biblical view of divine agency in history and creation is *realistic*. This certainly implies a notion of reality that cannot be equated with either ontological, ideal, or empirical concepts of reality. The biblical view of reality corresponds to the complexity of the reality in which we live. This thesis is, at the same time, a critique of modern concepts of history. Its central insight is that human thinking is *finite*. Only a view of history that takes into account that it is impossible to take a look at history from *outside* the process of history is adequate to the complex reality of history. Exegetically, the complex realistic understanding of history from within the process of history that is characteristic of the Old Testament and accounts for its view of God as an agent in reality, will be exemplarily demonstrated in Isaiah and Psalms.

1) We will analyze Isaiah's prophetic view of history. A characteristic feature of this view of history is that history unfolds according to how human society relates to the sphere of powers that is beyond it. YHWH's "strange work" is the divine response to the people's violation of the torah, and this "strange work" is the central content of the commission Isaiah receives in Isa 6:9-10.

2) In order to understand the biblical view of reality we will interpret the psalmist's characteristic change of mood from lament to joy in Psalms 3, 6, and 7. It is *YHWH's* acting that leads the petitioner from distress to joy. This becomes clear once one sees that the petitioner is a creature that is embedded in the creation and has to get in the right contact with the power that is beyond it.

History, Justice, and the Agency of God is the thoroughly revised version of my 1999 Princeton Theological Seminary doctoral dissertation. A version of chapter 3 was presented as a short paper at the XVIth Congress of the IOSOT in Oslo on August 5, 1998.

Thanks are due to many who have helped me. Professor Patrick D. Miller, Jr., my dissertation director, patiently supported me and carefully guided my work. The breadth of his scholarship and his theological vision opened the space and created the climate that made it possible for me to develop my own creativity. Professor J.J.M. Roberts introduced me to the fascinating world of the ancient Near Eastern religions and gave me the technical and interpretive tools for interpreting Akkadian texts. In Professor Katharine D. Sakenfeld's History-seminar I got a sense of the complexity of the epistemological problem surrounding the notion of God's agency in history (Langdon B. Gilkey, James Barr).

There are other scholars to whom I wish to offer my gratitude. Professor Bernd Janowski (University of Tübingen) introduced me to the study of the Old Testament. During my stay in New Haven, CT, in the fall semester of 1995, I had the chance to study Akkadian texts with Professor Benjamin R. Foster (Yale University) from which my dissertation greatly benefitted. When I returned to Germany, in order to do my *Vikariat* in the Lutheran Church, I had the chance to present early drafts of chaps. 3 and 4 at the Old Testament Research Colloquium at the University of Hamburg. I thank Professors Ina Willi-Plein, Klaus Koch, Stefan Timm, and Hermann Spieckermann (Hamburg University) for thoughtful critique. During the Hamburg-Lund Old Testament Conference in April 1998 I had an insightful talk with Professor Fredrik Lindström (University of Lund) on the individual complaint psalms that moved my thoughts in a new direction. I thank Professor Diana Edelman (James Madison University) for allowing me to quote from the manuscript of her paper delivered at the XVIth Congress of the IOSOT in Oslo in August 1998.

Christoph Schroeder
Großhansdorf, May 2000

ABBREVIATIONS

AfO	Archiv für Orientforschung
AOAT	Alter Orient und Altes Testament
ARAB	D.D. Luckenbill (ed.), <i>Ancient Records of Assyria and Babylonia</i>
ATD	Das Alte Testament Deutsch
BBR	H. Zimmern (ed.), Beiträge zur Babylonischen Religion
BHT	Beiträge zur historischen Theologie
BJS	Brown Judaic Studies
BKAT	Biblischer Kommentar Altes Testament
BWANT	Beiträge zur Wissenschaft vom Alten und Neuen Testament
BZAW	Beihefte zur ZAW
CAD	<i>The Assyrian Dictionary of the Oriental Institute of the University of Chicago</i>
ConBOT	Coniectanea Biblica, Old Testament
DJD	Discoveries in the Judean Desert
EchtB	Echter Bibel
EvT	<i>Evangelische Theologie</i>
FAT	Forschungen zum Alten Testament
FOTL	Forms of the Old Testament Literature
FRLANT	Forschungen zur Religion und Literatur des Alten und Neuen Testaments
HALAT	W. Baumgartner, et al., <i>Hebräisches und Aramäisches Lexikon zum Alten Testament</i>
HAT	Handbuch zum Alten Testament
HBT	<i>Horizons in Biblical Theology</i>
HKAT	Handkommentar zum Alten Testament
HSM	Harvard Semitic Monographs
HSS	Harvard Semitic Studies
HTR	<i>Harvard Theological Review</i>
IDB	G.A. Buttrick (ed.), <i>Interpreter's Dictionary of the Bible</i>
IDBSup	Supplementary volume to IDB
Int	<i>Interpretation</i>
IRT	Issues in Religion and Theology
ITC	International Theological Commentary
JBL	<i>Journal of Biblical Literature</i>
JBTh	Jahrbuch für biblische Theologie

<i>JCS</i>	<i>Journal of Cuneiform Studies</i>
<i>JNES</i>	<i>Journal of Near Eastern Studies</i>
<i>JR</i>	<i>Journal of Religion</i>
<i>JSOT</i>	<i>Journal for the Study of the Old Testament</i>
JSOTSup	JSOT Supplement Series
<i>KD</i>	<i>Kerygma und Dogma</i>
LSS NF	Leipziger Semitische Studien, Neue Folge
NEchtB	Neue Echter Bibel
NRSV	New Revised Standard Version
OBT	Overtures to Biblical Theology
RLA	Reallexikon der Assyriologie
SANE	Sources and Monographs from the Ancient Near East (Malibu, CA)
SBM	Stuttgarter biblische Monographien
SBS	Stuttgarter Bibelstudien
TBü	Theologische Bücherei
ThStud	Theologische Studien
TToday	Theology Today
<i>TWAT</i>	G.J. Botterweck and H. Ringgren (eds.), <i>Theologisches Wörterbuch zum Alten Testament</i>
<i>TZ</i>	<i>Theologische Zeitschrift</i>
<i>UF</i>	<i>Ugarit-Forschungen</i>
<i>VT</i>	<i>Vetus Testamentum</i>
VTSup	Vetus Testamentum Supplements
<i>WMANT</i>	<i>Wissenschaftliche Monographien zum Alten und Neuen Testament</i>
<i>ZAW</i>	<i>Zeitschrift für die alttestamentliche Wissenschaft</i>
<i>ZTK</i>	<i>Zeitschrift für Theologie und Kirche</i>

PART ONE

GOD'S AGENCY IN HISTORY:
THE HERMENEUTICAL PROBLEM AND ISAIAH'S
PROPHETIC VIEW OF HISTORY

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CHAPTER ONE

JUSTICE, HARMONY, AND POWER: THREE DIFFERENT CULTURAL EXPERIENCES OF HISTORY

1.1 GOD'S AGENCY IN CREATION AND HISTORY

The Old Testament claims that God acts in history. Divine intervention is described differently in the various biblical traditions and literary genres. It is praised in hymns, questioned in laments, announced in prophetic texts, and it is the unquestioned presupposition of the historical narratives proper. God's agency refers to the sphere that we define as *history* and *nature*. In the Old Testament God *creates* history and nature. The whole of reality is continually being created by God. The world is exposed to and dependent on God's acting. Israel experienced the agency of YHWH in its presently occurring history. God's *word* directs history; it is "like a fire, and like a hammer that breaks a rock in pieces" (Jer 23:29).

Whether or not the notion of God's agency in history and creation reflects a *true* understanding of reality is one of the central theological problems in the study of the Old Testament.¹ Our goal in the following is to understand *how* this agency in history can be understood. What is the experience of reality that allowed the Israelites to speak of divine agency in history and reality in the first place?

¹ Langdon B. Gilkey ("Cosmology, Ontology, and the Travail of Biblical Language," *JR* 41 [1961] 194–205) states that "the modern assumption of the world order has stripped bare our view of the biblical history of all divine deeds observable on the surface of history" (ibid., 196) and argues that "only an ontology of events specifying what God's relation to ordinary events is like, and thus what his relation to special events might be, could fill the now empty analogy of mighty acts, void since the denial of the miraculous" (ibid., 200). Walter Brueggemann readily concedes that the view of reality present in the Old Testament cannot compete with modern construals of reality. He resists the temptation to *harmonize* biblical and modern construals of reality (*Theology of the Old Testament. Testimony, Dispute, Advocacy* [Minneapolis: Fortress, 1997] 61–89 and 117–122). In the following, a different approach will be taken. I question the comprehensiveness of modern concepts of history and try to show that the construal of reality reflected in the Old Testament is highly complex and corresponds to the complexity of the reality in which we live. The claim is thus that one cannot give up using the notion of *history* with regard to the experience expressed in the biblical texts (against Leo Perdue, *The Collapse of History* [OBT; Minneapolis: Fortress, 1994]).

What is the *truth* of this notion, assuming that the reality the Old Testament talks about is the same reality in which we live?

A few examples shall suffice to illustrate this unique feature of the Old Testament, namely, that God controls the sphere of history.² God speaks to Moses from the burning bush. God gives Israel the decalogue from out of the fire, smoke, and thunder on Mt. Sinai. God ordains to break the good counsel of Ahitophel during Absalom's revolt so that David can be saved. God can order a people from far away to attack Israel and to destroy it (Isa 5:26–30). In the book of Isaiah, the prophet announces that YHWH will, in response to the people's breach of justice and righteousness, dispatch a mighty army against them to destroy Israel:

He will raise a signal for a nation far away,
and whistle for a people at the ends of the earth;
Here they come, swiftly, speedily!
None of them is weary, none stumbles, none slumbers or sleeps,
not a loincloth is loose,
not a sandal-thong broken;
their arrows are sharp,
all their bows bent,
their horses' hoofs seem like flint, and their wheels like the whirlwind.
Their roaring is like a lion,
like young lions they roar;
they growl and seize their prey
they carry it off, and no one can rescue. (Isa 5:26–29)

YHWH's power has the reach to command a nation far away to attack Israel. YHWH whistles and a foreign army comes marching, ready to follow YHWH's order and to destroy Israel. This army is merely an instrument of YHWH's power. YHWH's power transcends all national borders and has a universal dimension.

A characteristic feature of YHWH's agency in history is the importance of the *heavenly council* as the institution that decrees and ratifies decisions and concentrates the divine power to shape history.³ The prophets of YHWH have access to the divine council. They take part in the deliberations. They can try to persuade YHWH to review

² I will refer, in the following, in a general way to the *Old Testament's* understanding of history and reality. I will deal with the basic notion on which *all* texts, traditions, and genres agree, which they presuppose in one way or the other, namely, that *YHWH acts in history*. In this regard, all biblical texts share the same perspective.

³ See Patrick D. Miller, Jr., "Cosmology and World Order in the Old Testament. The Divine Council as Cosmic-Political Symbol," *HBT* 9 (1987) 53–78.

a decision, and they are instruments of YHWH's intervention in history.⁴ However, once the decision is fixed, they are mere carriers of YHWH's powerful *word*; they are completely possessed by this word.

Jeremiah 23 is a divine speech in which YHWH draws the distinction between the *false* prophets, who only report their own dreams to the people, and the *true* prophets who, having access to the universal power, stand in YHWH's council and report YHWH's word. In a series of rhetorical questions, YHWH stresses the universality of the divine power and the far-reaching impact of divine agency, in contrast to which the false prophets appear as powerless figures:

Am I a God near by, says YHWH, and not a God far off?
 Who can hide in secret places so that I cannot see them? says YHWH.
 Do I not fill heaven and earth? says YHWH. (Jer 23:23–24)

Especially the last rhetorical question, "Do I not fill heaven and earth?" expresses the *universal* dimension of YHWH's power.⁵ The speech ends with a characterization of the powerful divine *word*, a word that is uttered in the heavenly council, and that uses the true prophets as its instruments:

Let the prophet who has a dream tell the dream,
 but let the one who has my word speak my word faithfully.
 What has straw in common with wheat? says YHWH.
 Is not my word like fire, says YHWH, and like a hammer that breaks
 a rock in pieces? (Jer 23:28–29)

Whereas the *dream* is like straw—it is something that regards only the limited reality of the person of the prophet,—the word of YHWH is like wheat; it is spoken in the divine council and has an impact on history and creation. It is "like fire, and like a hammer that breaks a rock in pieces."

Jer 5:14–17 explains what it means that the word of YHWH given to the prophet in the divine council is like *fire*. This word has the power to lead one nation against another and to completely reshape political constellations in the realm of world-history. Thus YHWH can address Jeremiah:

⁴ The notion of influencing the divine decision-making in the divine council is the characteristic feature of the prophetic prayers of intercession (by Abraham, Moses, Jeremiah, or Ezekiel). See especially Patrick D. Miller, Jr., *They Cried to the Lord. The Form and Theology of Biblical Prayer* (Minneapolis: Fortress, 1994) 262–280, who emphasizes the flexibility of YHWH who lets himself be persuaded to review and to change decisions.

⁵ Cf. also Isa 6:1–4 and Ps 24:1–2.

Because they have spoken this word, I am now making *my words in your mouth a fire*
 and this people *wood*, and *the fire shall eat them up*.
 I am going to bring upon you a nation from far away, O House of Israel, says YHWH.
 It is an enduring nation,
 it is an ancient nation,
 a nation whose language you do not know,
 nor can you understand what they say.
 Their quiver is like an open tomb;
 all of them are mighty warriors.
 They shall *eat up* your harvest and your food;
 they shall *eat up* your sons and your daughters;
 they shall *eat up* your flocks and your herds;
 they shall *eat up* your vines and your fig trees;
 they shall destroy with the sword your fortified cities in which you trust.⁶

The word of YHWH put in the mouth of the prophet as fire will eat up the people (v 14) like wood by way of a nation that will attack Israel and eat up all its possessions (vv 15–17). The word of the prophet cannot be distinguished from the people from far away that will eat up Israel like a fire that eats up wood. This whole world-historical development is brought about by the prophetic word. It is a power that shapes history. In reality, it is not the people from far away, and it is not the word of the prophet, but it is the *word of God* in the mouth of the prophet that eats up Israel. The people from far away are the materialization of this word. Such is the power of the word that YHWH utters in the divine council and that the true prophet who stood in the council carries out. This is the meaning of the word: “is not my word like fire and like a hammer that breaks a rock in pieces?” (Jer 23:29).

This divine agency in history that can even use the world-powers as its instruments to achieve its goals is the same divine agency for which the petitioners in the psalms of complaint of the individual

⁶ On literary-critical grounds v 14 and vv 15–17 have often been taken to be two independent oracles that are not related to each other. See Paul Volz, *Der Prophet Jeremia* (2nd ed.; KAT X; Leipzig: A. Deichertsche Verlagsbuchhandlung D. Werner Scholl, 1928) 64. However, this perspective disregards the compositional technique at work that reflects itself in the juxtaposition of the two oracles and that creates the deeper theological meaning of the text. The word that connects the two texts is the verb *’ākal*. The word that YHWH puts in the mouth of the prophet as fire (v 14) is the oracle the prophet pronounces in vv 15–17. Cf. Joseph Schreiner, *Jeremia 1–25, 14* (NEchtB; Würzburg: Echter, 1983) 44.

appeal. Their life is completely dependent on the intervention of YHWH.

There is no text in the Old Testament that would explicitly *deny* that God acts in history and reduce God, for instance, to an immanent natural force. Texts may complain about the absence of God's acting in history, but this complaint is uttered on the basis that God's agency in history and reality is the normal, the expected.⁷ No text in the Old Testament *challenges* the belief that God is creator, even though not all traditions and literary genres describe God as creator.

It is not the goal of the following investigation to analyze the various biblical traditions that describe God's agency in history, to establish their historical development and to classify them according to their genre. Plenty of research has been done about this. There are historical investigations about the Sinai-tradition, its literary development, etc. These investigations are descriptive and do not ask for the truth of the *content* of these texts, namely, in this case, God's theophany on Mt. Sinai. They rather limit themselves to investigating the problem of the *origin* and growth of the texts and traditions.⁸ There are countless monographs on the biblical notion of *creation*. They analyze the different traditions of creation-theology, the social setting of the texts, their literary history. They do not ask, however, what it *means* that God acts as creator.⁹ There are countless investigations on the book of Isaiah. They establish its redactional history, reconstruct the original message of the prophet and correlate it to Isaiah's biography and to the events of the time. They do not ask, however, the theological question about the *content* and the *truth* of the prophetic message. What does it mean that "YHWH stands to judge the peoples" (Isa 3:15)? What is the "strange work" of YHWH (Isa 28:21)? How does it come about?

William Schweiker summarizes in a succinct way the question that lies at the heart of the texts of the Old Testament:

⁷ Cf. exemplarily Psalm 74.

⁸ This is what is commonly understood to be the particular *historical* character of the Old Testament. However, the critical history of texts, traditions, and literary genres has to be distinguished from the biblical notion of God's acting in history and creation. In the following, we are concerned with the biblical texts' own depiction of history.

⁹ That is the question Michael Welker is dealing with in *Schöpfung und Wirklichkeit* (Neukirchener Beiträge zur systematischen Theologie vol. 12); Neukirchen-Vluyn: Neukirchener, 1995; in English, *Creation and Reality* (Minneapolis: Fortress, 1998).

In spite of their diversity, the biblical texts assert that the question Who is acting? is basic in a construal of the world, in a moral ontology. The first questions in asking about the meaning of reality are not about the structure and dynamics of natural processes. They are questions about who is acting, who is responsible, and what is going on.¹⁰

Thus, the character of this investigation is theological rather than descriptive or purely historical. Its question is whether it is possible at all to speak in a *realistic* way about God's agency in history and creation as an acting that has to be clearly distinguished from human agency, on the one hand, and the mechanism of natural forces, on the other.

This has implications for the construal of a theology of the Old Testament. If the notion of divine agency in history stands for a realistic perception of the world, a perception that reflects itself in the Old Testament which is about God's agency in history and creation, a theology of the Old Testament will have the task of describing and understanding this divine agency in history; as such it will be, at the same time, a realistic description of our present reality.

A constitutive feature of the biblical experience of history is that human beings are seen as radically finite. Even human reason and thinking are seen to be exposed to the powers that manifest themselves in history and creation. As will become clear, this radical finiteness of human thinking is the key to understanding the *realistic* dimension of the biblical experience of history. This is very similar to the ancient *Greek* experience of history. There are also differences, however. In contrast to the biblical view, the Greeks did not experience the world as creation. They did not speak of God as an agent. However, for them as well human thinking and consciousness themselves were an integral part of the sphere that they tried to understand. The Greeks were the first to develop history as a science. In the following, we will, therefore, look at the *Greek* understanding of history.

¹⁰ W. Schweiker, "Power and the Agency of God," *TToday* 52 (1995), 208. Cf. also L.B. Gilkey "Cosmology, Ontology, and the Travail of Biblical Language," 198: "We are . . . not asking merely the historical question about what the Hebrews believed or said God did . . . Rather, we are asking the systematic question, that is, we are seeking to state in faith what *we* believe God actually did." See also Patrick D. Miller, "Revisiting the God Who Acts," *TToday* 54 (1997) 1-5.

1.2 GREEK HISTORIOGRAPHY AND ITS UNDERSTANDING OF THE UNIVERSALITY OF HISTORY

Greek cosmology was aware that human beings are always *in* history and that history evolves around them, above them, and through them. Given this position *in* history, they focused on discerning laws that govern history, *including* the way that the power of human thinking itself contributes to bringing about historical transformations and unpredictable constellations. Thucydides compared the task of the historian to that of a *physician*. In the same way that a physician compares the same symptoms in different bodies and draws conclusions with regard to the sameness of the illness, the historian compares developments in human history and establishes the laws that shape these developments. The Greek understanding of history is thus oriented toward the perception of the similarity of constellations that obtain in the course of the continuous interaction of irrational, social, and biological factors, a perception that occurs from within this sphere; there is, for human beings, no position *above* history. The Greeks could write history in the genre of the *tragedy* because this genre is able to express the reality of complex historical developments. They could not, however, conceive of history as either *linear* or *cyclical*. Greek history-writers like Herodotus and Thucydides,

show that truth is complex by posing an antithesis between dull fact and colorful falsehood by telling two stories about the same matter, one factual and one anecdotal. They . . . invent long speeches and put them into the mouths of important individuals, trying thereby to convey a sense of what would have been appropriate or in character. They . . . include the divine realm as agents of causation in the human realm and . . . presuppose a world-view in which the universe and the earth are affected by the coexistence of opposites and in which the history of nations or individuals is understood to be part of larger cycles of greatness or prosperity and decay.¹¹

Greek historiography is *scientific* without, however, analyzing history in a *theoretical* fashion. Whereas *theory* always implies the distance of

¹¹ D. Edelman, "Clio's Dilemma: The Changing Face of History-Writing" in *Congress Volume Oslo 1998* (VTSup 80; ed. A. Lemaire and M. Sæbø; Leiden: E.J. Brill, 2000) 249.

the subject from the *object* of its analysis, Greek historiography was aware that human thinking and human consciousness are factors that partake in the shaping of history and have to be integrated in its understanding.

In order to understand how this perception of history in a non-theoretical fashion, from *within* the complex process of history, is possible, it is necessary to glance briefly at Greek cosmology.¹²

1.2.1 *The Human Soul as a Microcosmos in the Physis*

The Greeks called *physis* the sphere that entails the divine world and the world of the mortals. The whole world, including human life and thinking, is *physis*. It is the sphere of reality. The structures of the *physis* are eternal and, therefore, static; the sphere of matter and variability that evolves within the parameters of these eternal structures is fleeting, it is in perpetual qualitative transformation; it is neither quantifiable nor corpuscular. Aristotle calls it “*energeia*” = *energy*. This is the sphere of *history*. The notion of *physis* is incompatible with the notion of mathematical space in which everything can be assigned its exact place and thus be subjected to a scientific analysis. It cannot, therefore, be equated with our modern concept of nature. For Aristotle, the laws of science apply only to the eternal structures, not to the sphere of variability.

The human *soul* stands in a microcosmic relationship to the structures of the cosmos and is completely embedded in the *physis*. Human *reason* (the *logos*) can grasp the eternal structures of the cosmos; the human *emotions* correspond to the sphere of variability; and the *eros* in the human soul is the same force of life that keeps all of the *physis* going. Greek *cosmology* is, at the same time, *anthropology*: Human life and consciousness are fully integrated in their surrounding environment. Human reason (the *logos*), rather than being an independent ontological or biological quality, is the manifestation of the eternal structures of the cosmos in the human *soul*. Reason is the instrument that allows human beings to grasp the noetic structures of the *world*. There is no distinction between inside and outside, between subject and object. Human beings are embedded in a complex way in the

¹² For the following cf. G. Picht, *Der Begriff der Natur und seine Geschichte* (Stuttgart: Klett-Cotta, 1989) 79–196.

sphere that surrounds them, and in order to survive they have to get in contact in the right way with the powers and structures that are beyond their control.

1.2.2 *Culture as a Continuation of Nature*

Greek historiography presupposes this homology between cosmology and anthropology. History is a *science* in that it attempts to discover the laws that govern the development of human societies in the physis. The constancy of the structures of the physis allows the historian to discern constellations that are similar and *repeat* themselves. This understanding of reality is, at the same time, a *self-understanding* because it is the same laws that govern both the physis and the human soul.

Given this concept, one of the questions the historian concerns himself with is what leads to the flourishing and what to the decay of human societies in history.¹³ The physical law (physis = nature) that one can establish is that a society flourishes when the minority of the good holds sway over the majority of the evil.¹⁴ This dynamic of power in the physis stands in reciprocal correspondence to the wholesome distribution of power in the human soul. The human *soul* is in harmony with the *cosmos* when the rational part holds sway over the irrational parts. In contrast, it destroys itself when the irrational parts prevail. On the level of the individual, the right distribution of power manifests itself in the virtue of self-control. On the individual *and* on the societal level, the wholesome interaction of rational and irrational parts takes the form of *reconciliation* of the two parties, rather than *oppression* of one by the other; the rational parts instruct and guide the irrational parts in order to achieve positive purposes. On the societal level, it is the function of the laws to *institutionalize* the reconciliation of the different social groups. Only this reconciliation secures the survival of the society. The laws give a stability and inner strength to the society that safeguard it against attacks

¹³ For the following, cf. G. Picht, *Platons Dialoge "Nomoi" und "Symposion"* (Stuttgart: Klett-Cotta, 1990) esp. Part II ("Der Horizont der Geschichte") 123–215.

¹⁴ One would normally say that it is the law of nature that the strong dominate the weak. It is the specific Greek understanding of physis as the interaction of nature with culture that allowed them to establish as a law of the physis that a society flourishes when the *minority* of the good (that is, those who, by nature, are *weak*) hold sway over the *majority* of the evil (that is, those, who, by nature, are *strong*).

from outside enemies. Inner tension and conflict would make it unable to withstand the aggression of its outside enemies.

This is one of the physical laws that the historian discerns. For the Greeks, the *natural* law that a society flourishes when the strong hold sway over the weak is valid in connection with *culture*. The reconciliation brought about through the cultural act of giving laws secures the preservation of the inner strength of the society in the *physis*. Culture is a continuation of *nature*. *Physis* is a process of production (*physis* = growth), of which, in a smaller scale, the human production of culture and civilization is an integral part. The *physis* entails this interaction of nature and freedom, to use the philosophical terms. *Physis* entails the possibility of *freedom* and the interplay of social, emotional, rational, and biological forces.

The interaction of human societies with the *physis* in which they are embedded is crucial for perceiving the Greek notion of history. In that the historian himself or herself and the society that he or she tries to understand are inescapably *in* history, history is, in fact, at the same time, sociology, political science, economics, and anthropology. This is the Greek concept of history as a science. This notion of history assumes its own position *in* history to be always a part of the whole that it tries to understand.

In contrast to the modern concept of nature, the reality that the Greeks described as *physis* cannot be depicted in terms of the law of causality. The insight that human reason is not autonomous but, in fact, nothing else than the grasping of the eternal structures of the *physis* and has, therefore, its place *within* these eternal structures, make it altogether impossible to conceive history in terms of an objective reality for a distant observer. For this notion of history, an adequate understanding of history is not possible with a *theoretical* approach since theory assumes necessarily that the object is separate from the analyzing subject. An implication of the insight into the finiteness of human reason is the multiperspectivalness of its understanding of history. History itself is similar to a work of art that cannot be understood in a theoretical fashion either. It has indefinite layers of meaning and from different angles it offers different perspectives. The understanding of history is an *art*. That is why Thucydides compared the task of the historian to that of a physician.

1.3 THE BIBLICAL NOTION OF THE UNIVERSALITY OF HISTORY AND THE REALITY OF THE DIVINE COUNCIL

The finiteness of human reason that is characteristic of the Greek understanding of the universality of history, is, in fact, also a very biblical feature. Also in the Old Testament, there is a sense of the *universality* of history; nothing is exempt from history. Also here, there is no distinction between history and nature. With regard to the finiteness of human beings and to their being an integral part of nature/physics/creation, both notions of history are very similar.

The one aspect in which the biblical differs from the Greek notion of history is God's *agency* in history. The Old Testament does not conceive of the world as *cosmos* that has eternal structures but as *creation*. It portrays YHWH as king of the universe who is *beyond the world*. The world is dependent on God's continuous sustenance. Creation, culture, society, world-empires are exposed to the agency of God. YHWH *rules* the world.

As has been seen above, in several biblical traditions the *divine council* is the prominent organ of YHWH's rule.¹⁵ Decrees and judicial decisions proceed from it. The notion of God as king who presides over the divine council implies that the world itself, encompassing the spheres of nature *and* freedom, is *history*. It is open to the ever new self-manifestation of truth.¹⁶ Through prayer and inquiry human beings can get in contact with the sphere that is beyond themselves. YHWH's agency as king and the way that human beings relate to this power that is beyond themselves provide for the dynamic of history.¹⁷

The divine council is not an ontological entity in the *world*. It rather is a metaphor that stands for Israel's experience of what is *beyond time*.¹⁸ The notion of God the creator and of God as an agent

¹⁵ See P.D. Miller, Jr., "Cosmology and World Order in the Old Testament." Cf. also the biblical texts quoted on pp. 4-6 above.

¹⁶ See Isa 6:1-11; 1 Kings 22.

¹⁷ Cf. exemplarily Isa 30:1-3.

¹⁸ Cf. n. 47 for the reasons why the distinction between world and God is here to be understood in terms of that between *time* and *beyond time*: If one, following the philosopher Georg Picht, considers time itself to be the widest horizon of what constitutes the world, the distinction between God and world implies that God is *beyond time*. This implies a critique of metaphysical theology that took the distinction between God and world to be identical with that between *eternity* and time. Eternity, however, is a mode of time and, therefore, an aspect of the world.

in history are based on Israel's experience of life and a host of other vital forces to come from *beyond* time.¹⁹ Israel experienced the world as creation, as a miracle, as something that hovers, that receives its life and existence from beyond time, from beyond the world. Israel experienced itself, in history and creation, as being completely dependent on this force from beyond time.²⁰

The metaphor of the divine council has a *visionary* reality. It is accessible only in the form of visions (Isa 6:1-11; Amos 9:1; 1 Kgs 22). The vision of the divine council does not mean that Israel had a supernatural knowledge of the world. The divine council does not have an ontological reality; it is *beyond* being. Israel was not in control of the divine council. Rather, the metaphor of the divine council implies Israel's awareness of its own finiteness. Israel is *exposed* to the agency of God in the divine council. This is how Israel experienced history.

1.4 JUSTICE AND THE AGENCY OF GOD

This experience of history in terms of Israel's continuous interaction with a power that is beyond its reach has always to do with *justice*. Israel experienced the intervention of the divine council, of the forces from beyond time, of the forces on which life depends as the forces that maintain and regulate justice in the world.²¹ That is, ultimately, harmony in the world is established by action of the divine council. Justice is thus not primarily an innerworldly achievement or possibility. Only in the awareness that justice is dependent on the openness of society for the forces from beyond time, or, as W. Schweiker puts it, that *justice is dependent on society's ongoing and adequate interaction with powers that it does not control*, does justice become a possibility and reality. Justice disappears when people disregard the force from beyond time, when they see themselves not as exposed and dependent on this force but when they disconnect themselves from it and rely

¹⁹ The *Spirit* is such a force that is experienced as coming from beyond time. Cf. Michael Welker, *Gottes Geist. Theologie des Heiligen Geistes* (Neukirchen-Vluyn: Neukirchener, 1990).

²⁰ Exodus 16 is a narrative that expresses this experience in very concrete terms.

²¹ Also in this regard, there is a structural similarity with Greek cosmology that has at its center the balance between human society and the sphere of powers in which it is embedded.

on their own force and power. This comes very clearly to the fore in an oracle Isaiah addresses to the leaders of Jerusalem who rely on the Egyptian army and are unable to perceive YHWH's power.

Alas for those who go down to Egypt for help and who rely on horses,
 who trust in chariots because they are many
 and in horsemen because they are very strong,
 but do not look to the Holy One of Israel or consult YHWH!
 Yet he too is wise and brings disaster;
 he does not call back his words,
 but will raise against the house of the evildoers,
 and against the helpers of those who work iniquity.
 The Egyptians are human, and not God;
 their horses are flesh, and not spirit.
 When YHWH stretches out his hand,
 the helper will stumble, and the one helped will fall,
 and they will all perish together.²² (Isa 31:1-3)

Justice is a very sensitive condition. It disappears when people ignore God as the giver of life and instead rely on their own wisdom.²³ It is present, it can become reality only if people open themselves for this force from beyond time. In the same way, *blessing* is a force from beyond time. It is a force that sets things aright.²⁴

²² Cf. also Isa 5:21-24; Jer 23:21-29.

²³ Cf. exemplarily Jer 2:12-13: "Be appalled, O Heavens, at this, be shocked, says YHWH, for my people have committed two evils: they have forsaken me, the fountain of living water, and dug out cisterns for themselves, cracked cisterns that can hold no water."

²⁴ According to Schweiker, the moral ontology present in biblical texts deals with the complex insight about "how the agent or community was to relate to some source of power that is other than itself and yet empowers the self or community to act" ("Power and the Agency of God," 219): "The fundamental problematic of human civilization is how to make right contact with power(s) other than the human in and through the exercise of power. What is at issue is charting the inner limits of human possibilities in the creation of a viable social world. This is because, we may say, outside of contact with this other power, with the divine, the value of human existence becomes dependent solely on the mechanism of human power with all the dangers that entails. The basic human problem is not that of exercising of power in the creation of civilization but fidelity to a power that grounds and limits human power—the divine, a problem endlessly examined throughout the biblical texts." According to Schweiker, three different forms of discourse see to it that people maintained "fidelity to a power that grounds and limits human power," namely, cultic, legal, and prophetic discourse. In Greek cosmology, we see this same awareness for the need of a harmonious interaction of human society with the sphere of powers in which it is embedded. Human beings see themselves as a microcosmos. Human society can thrive once there is a homology between the microcosmos and the larger sphere of the physis.

The notion of the divine council is *one* (political) metaphor for expressing the dynamic of God's agency from beyond time. It is present above all in prophetic and cultic literature.²⁵ But the distinction between God and world that this metaphor implies is constitutive for the whole Old Testament. It expresses itself in the metaphor of God as *fire* (Exodus 3). In the Sinai-pericope God's being beyond time expresses itself in the metaphors of *fire* and *storm* (Exodus 20).²⁶ Here again the concern for justice and righteousness stands in correlation to the agency of God from beyond time. Further, the metaphor of the *spirit* stands for the otherness of God over against the world.²⁷

1.5 CONCLUSION

The *biblical* view of God as creator of nature and history, as the king who, according to one stream of biblical tradition, directs the world through the institution of the divine council, represents, in addition to what we have seen from Greek cosmology, a *further perspective* on reality and history. It denotes the self-understanding of human beings as radically finite beings who experience reality as proceeding from the continuous agency of God who is beyond the world. This radically finite understanding of human existence allows for a multiplicity of perspectives. It stands for a self-positioning in the sphere of reality that is open to the self-manifestation of truth.

It is not optional how human beings position themselves in the sphere of reality. On it depends whether human societies thrive or perish in the sphere of nature.²⁸ Depending on *how* human beings position themselves in the sphere of nature, they obtain different perspectives on reality and, corresponding to these perspectives, a more or less distinct view of the true complexity of reality and history.

²⁵ Cf. as one example the narrative in 1 Kings 22 where the prophet Micaiah ben Imlah witnesses in a vision the gathering of the divine council in which YHWH is searching for a person to be commissioned to lure Ahab to go out and fight against the Syrians so that he will be killed in battle.

²⁶ Cf. also Deut 4:32ff.

²⁷ Cf. Isa 31:3 and Welker, *Gottes Geist. Theologie des Heiligen Geistes*.

²⁸ Cf. Schweiker's assessment that the construal of the world, according to which human society stands in an ongoing interaction with powers that it does not control, is "truer to the complexity of the moral space of life than the forms of conceptual and axiological reductionism characteristic of modern philosophy and theology" (ibid., 216).

The Greek self-positioning in the sphere of reality, understood as *physis*, with the human being as a microcosmos and the logos as his instrument to grasp the eternal structures of the *physis*, and the biblical self-understanding of human beings as creatures who stand in an ongoing interaction with their creator, were concerned with safeguarding the harmonious relationship between human society and the reality in which it was embedded. The violation of this sensitive balance of power is rooted in a distorted perception of the world and leads to the decay of human societies in the sensitive sphere of powers in which they are embedded.

Both the Hebrew and the Greek understanding of history represent different interpretations of reality, but both agree on the radical finiteness of human existence. Correspondingly, both share the notion of the *universality* of history and reality. The Greeks experience reality as *physis*, the Old Testament as *creation*. In the *physis* the spheres of divine and mortal are discerned innerworldly in terms of eternity and temporality; the notion of creation implies the reality of a personal God who is beyond the world and beyond time.

1.6 HISTORY AS THE SEQUENCE OF FACTS IN THE CAUSAL CONTINUUM

According to the *modern* concept of history, human society is not embedded in a sphere of powers that it does not control and with which it has to get in the right contact. Rather, according to it human beings are the sole agents in the universe and the sole subjects of power who have to create value in a value-neutral universe (Schweiker). The notion that God acts as the creator of history and nature sets the Old Testament clearly apart from a modern epistemology. The modern notion takes history not to be *universal* but to be the sequence of facts that occur in the space-time continuum. Modern historians rightly object to those supernaturalists who, against all empirical evidence, have been claiming the realistic dimension of divine agency by arguing that God can repeal natural laws and who thus, in fact, "denied the reign of causal law in the phenomenal realm of space and time, or at least denied that that reign of law had obtained in biblical days."²⁹ Historians rightly argue that the

²⁹ L.B. Gilkey, "Cosmology, Ontology, and the Travail of Biblical Language,"

parameters of the space-time continuum were valid in ancient times in the same way as they are today: "The causal nexus in space and time which Enlightenment science and philosophy introduced into the Western mind . . . is also assumed by modern theologians and scholars; since they participate in the modern world of science both intellectually and existentially, they can scarcely do anything else."³⁰

To be sure, "the reign of causal law in the phenomenal realm of space and time," is valid, and it is beyond doubt "that that reign of law had obtained" in the days of Greek historiography.³¹ However, the perception of reality in terms of the law of causality represents a specific perspective that obtains from a specific position. The Greeks interpreted reality in a different horizon from that of causality; they attained a highly complex view of history, and it is impossible to say that their perspective was false. A perspective becomes false only if one *absolutizes* it and ignores that it is correlated to a specific horizon. The Greek notion of *physis* is incompatible with the concept of space of the causal continuum. In the horizon of the *physis*, history does not come into view as a sequence of facts.³²

We will, in the following, not question the reign of causal law in biblical days. We are not going to claim that in acting as creator God repeals the laws of nature. We will, however, question the assumption that the parameters of the space-time continuum represent an *absolute* framework and the view that history as it presents itself in the framework of the parameters of the causal continuum gives a *comprehensive* view of reality.³³ In the horizon of modern his-

194. Supernaturalists *presuppose* the absolute validity of the causal continuum. For them, the only possibility of bringing the biblical texts in harmony with it is to claim that God's agency makes an exception from this otherwise valid causal law.

³⁰ Ibid., 195.

³¹ Cf. L.B. Gilkey, "Cosmology, Ontology, and the Travail of Biblical Language," 194.

³² For the ancient Near Eastern religions' similarly complex view of history see J.J.M. Roberts, "Myth *Versus* History. Relaying the Comparative Foundations," *CBQ* 38 (1976) 1-13, especially 4-13.

³³ R.J. Russell, "Does 'The God Who Acts' Really Act? New Approaches to Divine Action in the Light of Science," *TToday* 54 (1997) 43-65 summarizes recent literature that goes in the direction of suggesting a *harmony* between scientific construals of the world and biblical accounts of divine agency. The current "theology and science" discussion is dominated by the attempt to understand divine agency under the assumption of the absolute validity of the causal continuum. Since the insight of twentieth century physics that nature—taken here in the modern scientific sense—is not as strictly subject to determinism as was supposed earlier allows for the assumption that nature has a history, an insight that is clearly supported by

tory-writing there is no room for divine intervention.³⁴ For modern historians, historical facts are causally explained and empirical; they are the products either of human acting or the result of immanent natural causality.³⁵ If the causal continuum is an adequate description of reality, then there is, in fact, no way to talk realistically about

the theory of evolution, several theologians come to the conclusion that there is a place for the *agency of God* in the processes of nature so that one need not see this in a supernatural or interventionist fashion any more. Thus, already Austin Farrer had defined God as the one who creates energies and adapts his acting to the general structures of the orders in nature and history, in and through which God effects that the creatures realize themselves: "If God creates energies he creates ongoing activities" because "not to act is not to be." However, the problem with this approach is that it ultimately considers God to be a force of nature. It does not respect the biblical distinction between God and world. For the Bible, the world is creation and God is *not* part of the world. God cannot be equated with natural processes but God acts from beyond the world and transforms history and creation. What these harmonizing approaches describe as divine action, namely, "that God creates the (classical) world not by reordering its structures ('order out of chaos') but by creating the quantum processes that produce the classical world" (Russell, 59) does not have anything to do with the *biblical* portrayal of God as an agent.

The fundamental fault of the scientific construals of the world with which scholars want to bring biblical accounts of divine acting into harmony is that they do not integrate into their construal human beings as the ones who have the ability to think, who are the authors of this analysis, and who produce this construal from a specific perspective. Physics cannot claim to give an absolute description of the world since it does not have the capacity and the level of reflection that would allow it to examine critically the position from which this construal is undertaken and to integrate this very position into its construal of reality: "There is yet no physics of thinking. Rather, physics is a theory about that which thinking faces as the eternally other, as object" (G. Picht, *Der Begriff der Natur und seine Geschichte*, 90). This indicates that this position is not aware of its own perspectivalness. It absolutizes itself and takes even God, who is reduced to a natural process, as its *object*.

³⁴ The historical method analyzes historical texts and traditions according to the principles of *critique*, *analogy*, and *correlation*. It analyzes the probability of what is reported by comparing it with similar occurrences in history and by acknowledging that all historical occurrences are interrelated and have to be seen in a larger context in which they belong. These three principles of the historical method: critique, analogy, and correlation, demonstrate that the biblical notion of divine agency cannot be part of a critical conception of history. See E. Troeltsch, "Über historische und dogmatische Methode," in *Gesammelte Schriften vol. II* (Tübingen: Mohr Siebeck, 1913) 729–753. Cf. also D. Edelman's statement that modern history-writing presupposes "a world-view that requires human agency and cause and effect as motivational explanations" ("Clio's Dilemma: The Changing Face of History-Writing," 249). Cf. further the apodictic statement by James Barr: "We do not apply the term 'history' to a form of investigation which resorts to divine agency as a mode of explanation" ("Story and History in Biblical Theology," *JR* 56 [1976] 8).

³⁵ To be sure, there is a differentiation to be made regarding what constitutes human acting and natural causality. Recent developments such as the history of *longue durée* take into consideration the complex interaction between ecological conditions and human acting. The *history of mentality* takes into consideration the complex way in which human traditions shape the course of history. Another important

divine agency in history and nature. However, the thesis is that the concept of nature as space-time continuum is the result of a specific perspective and that this perspective is correlated to a specific self-positioning of human beings in the sphere of nature.³⁶

The concept of the space-time-continuum is a historical construct.³⁷ It reflects a specific perspective on reality. This perspective results from a specific conception of the biblical distinction between God and world that resulted when Christian theology merged with Greek philosophy in a specific period of European history. It takes human reason as belonging on the side of *God*. Human beings do not consider themselves, their emotions, consciousness, and thinking to be an integral part of the physis any more, and instead human reason projects itself *outside* the physis, conceives this sphere as *nature* in the modern sense and itself as the *subject* that has its position beyond it.³⁸ Human reason stands above the world that is determined as nature. As images of God, human beings have access to the divine knowledge through reason. They can participate in the divine perspective on the world. The position from which this perspective is gained is the position of *timeless identity*. Thus, the absolute subject

development is the *history of memory* as a constitutive factor in the shaping of history. However, all these approaches agree on the epistemological presupposition that history is the product of human acting. And they have to do so because they do not see human beings as finite creatures embedded in a sphere of powers with which they have to get into the right contact but rather see them as the subjects of history.

³⁶ This was already the decisive insight of Kant's *Critique of Pure Reason*. Kant, who assumed space to be a physical reality, defined space as a pure form of human intuition, meaning that for finite human reason everything manifests itself in space and time. He stressed that in space things manifest themselves as "Erscheinung," not as the thing itself. For the historical and philosophical investigations about the origin and the adequateness of the concept of the space-time-continuum for our understanding of reality, on which I will rely in the following, see Georg Picht, *Der Begriff der Natur und seine Geschichte*, esp. 295–458.

³⁷ The definition of nature in terms of the concept of the space-time-continuum resulted from the merging of Greek philosophy with Christian theology, precisely, from the projection of the biblical distinction between God and world into the physis. *Christian* theology brought about the new understanding of human beings as autonomous subjects who, as images of God, consider themselves to stand godlike over against nature and who, through this change in position, achieve an enormous power. For a genealogy of the modern concept of nature cf. G. Picht, *Der Begriff der Natur und seine Geschichte*.

³⁸ This dichotomy originated because the assumed absolute validity of the causal continuum was incompatible with the notion of human freedom. In order to avoid seeing human acting as being mechanically determined by causal law, one had to imagine a sphere that stood in opposition to it, namely, the sphere of freedom which is the realm of human reason and consciousness.

assumes itself not to be subject to historical change but rather to remain identical. A specific Christian concept of God thus lies at the basis of this axiom of the modern natural sciences.³⁹ The problem with this interpretation of the biblical distinction between God and world is that, by equating God and human reason, it, in effect, represents an *innerworldly* distinction.

The *method* one uses in analyzing history in this fashion as the sequence of facts in the space-time-continuum is, by definition, taken to be exempt from the very history that one is analyzing. There can, however, be no doubt that the position from which the absolute subject takes its perspective is located *within* the sphere of reality. Though this specific perspective has contributed a lot to our understanding of reality⁴⁰ so that, from it, everything presents itself in terms of mathematically quantifiable facts, it is only one of many possible ones that human beings can take in the sphere of nature.⁴¹ In the framework of this conception, *God's* agency is interpreted in terms of *human* acting, of the acting of God's images. Though the name of God has been dismissed from this interpretation of reality, its structure has not been altered. In modern sciences, human reason is still seen as standing above nature and as being unaffected by it. This concept

³⁹ Classical philosophy took the position of timeless identity of autonomous reason to be *absolute*. Kant's *Critique of Pure Reason* has the purpose of examining the presuppositions of this position, to subject it to a critique and thus to make it unattainable. However, in his *Critique*, Kant left three presuppositions unquestioned that are implied in the concept of pure reason. These are the idea of motionless identity (Parmenides), the eternal validity of the laws of logic (Aristotle), and the absolute priority of the subject (Descartes) (Cf. G. Picht, *Der Begriff der Natur und seine Geschichte*, 316f). Kant did not realize that the position of pure reason is dependent on these presuppositions that are the result of specific historical developments in Greek philosophy and, therefore, *perspectival*. They are *perspectival* because they are based on an understanding of time (the opposition between *eternity* and *time*) that does not correspond to the "real" experience of time as the continuous and dynamic interaction of its three modes past, present, and future. They do not take into account that "eternity" itself is an aspect of *time*. Instead, Kant claimed that this position allowed an absolute view on reality. The insight into the *perspectivalness* of pure reason allows us, in turn, to consider the possibility that the *biblical* perception of the world has a *realistic* dimension and cannot be *subsumed* automatically under the perspective of enlightenment reason.

⁴⁰ It is the self-understanding of the subject that positions itself over against everything outside itself conceiving it as its object. It has emerged as the result of a complex historical development (see below).

⁴¹ In contrast to L.B. Gilkey, "Cosmology, Ontology, and the Travail of Biblical Language," I question the *absoluteness* of Enlightenment reason and argue that it is *perspectival*. I am basing myself on the extensive philosophical investigations of Georg Picht.

has a theological root. However, it is not biblical. Much of what the Old Testament conceives as history does not comply with the parameters of this perspective.⁴²

This is, very briefly, the historical development through which the concept of nature, conceived as the causal continuum, comes into being. This is the origin of the modern opposition between *nature* and *freedom*. Nature can be conceived as causally determined when human thinking and consciousness, in short, human freedom, is eliminated from it and transposed to a sphere that stands in opposition to it.⁴³

This changed human self-positioning and the subsequent new understanding of the world was not a completely contingent and incidental development. It really does give a new perspective on the world and it has a specific grasping of the structure of *reality*. The application of mathematical laws to the physis is possible; it generates the modern concept of nature. Nature becomes an object that can be defined in exact terms and that can be exploited. Human

⁴² To both the enlightenment and the biblical position corresponds a specific semantic field. The semantic field corresponding to the position of timeless identity that sees reality in mathematical terms is *quantitative* and *static*. Its characteristic terms are: space, quantity, natural laws, identity, causality. This semantic field is incompatible with that corresponding to the position of the finite being which is characterized by words expressing its embeddedness in a *dynamic* sphere: agency, kingship, rule, creation, history. The finite being is exposed to a sphere of *powers* with which it has to get in the right contact in order to survive. One cannot absolutize one of the perspectives and explain the semantics of the other in its horizon. It is a perspectival error to explain the biblical notion of divine agency in the perspectival framework of mathematical identity.

⁴³ Cf. for a detailed analysis G. Picht, *Der Begriff der Natur und seine Geschichte*. Picht gives an example that makes it clear how modern sciences imply the human self-positioning above the sphere that they analyze. Modern biology analyzes the currents in the brain; it is able to localize the regions of the brain that are activated when an artist composes a musical piece or a scientist does mathematical operations. It is able to describe the chemical and physiological processes that take place in the brain. Its aim is to understand the phenomenon of *consciousness*. However, the biologist would never say that his insight into the chemical structure of the brain is simply the result of a chemical process in *his* brain. Rather, he claims this insight to be *true*. He cannot say, however, *why* it is *true*. Biology fails to integrate its own act of thinking in its analysis. Biology can analyze and describe the chemical processes that must have taken place in Kant's brain when he wrote his philosophy; it is not able, however, to assess the *truth* of Kant's *Critique of Pure Reason* as a biological reality. This *content* of Kant's thinking, however, is a biological reality. It provides the basis for the method, according to which the biologist operates. It is a phenomenon in nature in the same way as the chemical processes that take place in the scientist's brain are a phenomenon in nature. As long as biology does not analyze the presuppositions of its own thinking and transform itself in such a way that it is able to analyze the *content* of thinking as a biological reality, it is still rooted in the classical subject-object framework.

beings are now the *subjects* of history and masters over nature. History is now not, as in the Greek *physis*, the interaction of biological, physical, rational, and emotional factors any more. It rather is the enactment of human *freedom*. The self-positioning of human beings as *subjects*, in a position that locates them above the sphere of reality and history, leads, however, to a distorted perception of reality and history and to a distorted interaction of human beings with reality.

W. Schweiker gives a succinct analysis of this distorted perception of reality that lies at the center of modern scientific construals of the world. In them, "the distinctiveness of human existence" is their "power to create value within a value-neutral universe" (213):

Reality is understood in value-neutral and materialistic terms while the distinctiveness of human existence is our capacity to exercise power (freedom) in the creation of values, values specified through law, art, morality, economics, and the like, in an open future. What is basic to this ontology insofar as it is concerned with values we ought to seek is then power itself. Only through access to power do agents or communities of agents endow their world with meaning; only through the exercise of power, the capacity to change the world for human purposes, is the distinctiveness of human life to be found. The technological age is merely the working out and institutionalization of this moral ontology.⁴⁴

This conception of power constitutes the crucial difference between the *biblical and Greek*, on the one hand, and the *modern* concept of history, on the other. Modernity does not consider human society to be embedded in a dynamic sphere of powers with which it has to get into the right contact in order to survive. It rather sees human society as the autonomous subject "in a value-neutral universe."⁴⁵

Once the perspective from which the world presents itself in terms of the opposition between nature and freedom is taken to be *absolute*, the biblical notion of God as an independent agent in history is *necessarily* subordinated to its parameters. In the horizon of this perspective, God's only possible place is the sphere of human freedom.⁴⁶

⁴⁴ Ibid., 214.

⁴⁵ Schweiker demonstrates convincingly that the two seemingly opposite ideologies of *materialism* and *idealism/existentialism* "are, in fact, interlocking features of one comprehensive moral ontology that characterizes the distinctiveness of human beings by the power to create value within a value-neutral universe" (ibid., 213).

⁴⁶ The only other possibility is to equate God with the contingencies that occur in the otherwise deterministic process of nature. Cf. the article by J.R. Russell, "Does 'The God Who Acts' Really Act?"

According to it, when human beings enact their freedom in nature, it is *God* who acts in them. If this framework is taken to be absolute, there is no other way to understand the biblical texts' talk of God. However, the resulting concept of God is different both from the Greek concept of God as the principle of the eternal structures of the physis *and* from the biblical notion of God, the creator. God is to be closely related to human self-consciousness. Human self-consciousness is the image of God. God loses the universal dimension that, in the biblical texts, owes to YHWH, the creator of history and nature. In the following, we argue, on the basis of two presuppositions, that the biblical notion of God's agency in history and nature *can* be understood realistically.

1.7 THESIS: THE REALISTIC DIMENSION OF BIBLICAL EXPERIENCES OF HISTORY

1.7.1 *The Universality of History and the Finiteness of Human Reason*

The first presupposition for assuming the realistic character of the biblical texts is to take seriously their assumption of the *universality* of history. Universality of history means that the sphere of reality in which human societies evolve is "history." The substratum of what we call "world" is *time* in the complex and ongoing interaction of its three modes past, present, and future.⁴⁷ Everything is exposed to

⁴⁷ For this understanding of the *universality* of history, according to which nature and history are different words for the same reality, see the philosophy of Georg Picht, especially "Die Erfahrung der Geschichte," in *Wahrheit, Vernunft, Verantwortung* (Stuttgart: Ernst Klett, 1969) 281–317; idem, "Philosophie und Völkerrecht," in *Hier und Jetzt. Philosophieren nach Auschwitz und Hiroshima* (Stuttgart: Klett-Cotta, 1980) 57–115; idem, *Glauben und Wissen* (Stuttgart: Klett-Cotta, 1991); idem, *Geschichte und Gegenwart. Vorlesungen zur Philosophie der Geschichte* (Stuttgart: Klett-Cotta, 1993). The basic thought of Picht's philosophy is that the horizon of everything that is is not a *foundation*, such as the principle of identity that expresses itself in the laws of logic, constitutes Kant's notion of transcendental subjectivity, and serves as the foundation of the modern natural sciences. Rather, the horizon of everything that is is *time* in the complex and dynamic interaction of its three modes past, present, and future. Time itself is the ultimate "foundation," and it is certainly impossible to call time a *foundation*. This implies that human reason is finite as well; it does not have a foundation. It does not *have* the truth but it is open for the self-manifestation of truth. It does not have an *absolute* view, but it is, since it is exposed to the dynamic of time, necessarily perspectival and needs to be aware of its perspectivalness. Consequently, the widest horizon for everything that is is *history*. If the world itself is nothing else than *time* in its different manifestations, then nature is historical as well, and truth cannot have the form of *identity* that it has for any foundationalist

history; nothing is exempt from it. In this perception of reality, even human reason and human thinking are an integral part of the creation and exposed to the dynamic of history. They are factors that shape history in their interaction with nature.

The crucial implication of this notion of the universality of history is the assumption of the radical finiteness and historicity of human reason. For the universal understanding of history, history is the widest horizon in which everything that is evolves, even the productions of human thinking like the concept of the space-time-continuum. Human reason is then *in* nature, and nature is the sphere that consists of the productions of human thinking as well as of other ecological systems. If human reason is itself *in* nature, if it is *in* history, its understanding of this sphere, of which it is itself inescapably a part, cannot have the form of objective knowledge. Autonomous reason, in contrast, does not consider itself to be radically finite and exposed to the dynamic of history but as having its place in the sphere of freedom; for it the world comes into view as the *causal continuum*. For a positivistic concept of history, history-writing concerns itself with the empirical facts that manifest themselves in the physical space-time continuum.⁴⁸ If human beings understand themselves as finite persons who are embedded in the sphere of nature and history, rather than as autonomous subjects who stand above nature, they obviously experience history in a different way. The notion of the universality of history implies that human beings are radically finite beings: Their thinking, their consciousness, their reason, are not autonomous; rather, they are an integral part of the reality of history; they are exposed to its everchanging flow. The notion of the universality of history calls into question modern epistemology that takes its laws of reason to be eternally valid, that is, as exempt from what it perceives as history. Instead, it implies the radical finiteness of human reason in the flow of universal history.

The question that emerges in this light is whether the place of human reason as the autonomous subject that stands over against nature is the *true* place of human reason in nature. Does the framework of the space-time-continuum grasp the reality of history adequately?

theory, but truth is itself historical, and only as long as it is *historical* does it deserve the name *truth*.

⁴⁸ Modern history-writing presupposes "a world-view that requires human agency and cause and effect as motivational explanations" (Diana Edelman, "Clio's Dilemma: The Changing Face of History-Writing," 249).

Is the reality of history equal to the recognition of facts and empirical findings? In light of the above the opposition between nature and freedom comes to be seen as only *one* possibility for human beings to define their position in the sphere of history. History and reality are not the sequence of facts as which they necessarily appear in the space-time-continuum; rather, the concept of the causal continuum itself and the corresponding position of the subject in the sphere of freedom are a human self-projection within the sphere of history and nature, a specific historical expression of how human beings understand their place *in* universal history and *in* the world.⁴⁹

The Old Testament presents an understanding of history and of reality that includes human thinking as an integral part of nature and does not reduce history to facts. With its distinction between God and world and the self-understanding of human beings as finite creatures, it is more *realistic* than the modern perception of history as facts in the causal continuum. All of this accounts for the complex way in which history is presented in the Old Testament.⁵⁰

In correlation to the human self-understanding as radically finite beings who are, with their whole being, exposed to the sphere of history, it is possible to speak in a realistic fashion of God's agency in history. From this perspective God comes into view as the one who is beyond the world, who is the creator of history and nature. From this perspective, Israel's experience of history as a sphere of powers that is under the control of YHWH, the universal king, who enacts decisions in correlation to how human societies get into contact with this power that is beyond themselves, becomes understandable. It becomes understandable that, after the people decided to disobey YHWH's orders, YHWH declares to Jeremiah: "Because they have spoken this word, I am now making my words in your

⁴⁹ History as the word is used here thus transcends what the modern concept of history defines as history.

⁵⁰ We thus claim that the Old Testament *is* about history. We do not discard the notion of history as a central feature for understanding the Old Testament, as does Leo Perdue in *The Collapse of History*. We rather question the absoluteness and comprehensiveness of the modern positivistic concept of history. We claim that the Old Testament notion of history is more complex than the positivistic concept of history of the historical method, because it *includes* human thinking and reason as constitutive factors of what makes up history. Only by way of a critique of the modern concept of history will we be able to perceive the highly complex experience and grasping of reality that manifests itself in the texts of the Old Testament.

mouth a fire and this people wood, and the fire shall eat them up" (Jer 5:14).⁵¹

This notion of the universality of history and of the human self-understanding as radically finite creatures shall be explored further in the following. According to the biblical distinction between God and world, God is *beyond* the universality of history. God is the one who acts in history. Once one acknowledges the universality of history, and, therefore, the historicity of autonomous reason and of concepts of truth, it becomes clear that it is not possible for human beings to claim that they *have* the truth. Rather, as finite beings, they are open to the ever new self-manifestation of truth. They can *deny* their finiteness and develop concepts of truth and, based on *their* concept of truth, construe the world according to its parameters.⁵² But this construal of the world will not be homologous with the real structures of the world if world is equal to the universality of history. The biblical notion of history takes into account the exposedness of human beings to a power that is beyond them and with which they have to make the right contact in order to survive.

⁵¹ The theologian William Schweiker stresses the implications of the biblical assumption of the radical finiteness of human existence in a similar way. He argues that the biblical writings express the insight that human beings are embedded in a *sphere of powers*, and that it is important for them to get in the right contact with these powers that have an impact on human life. Schweiker argues that this biblical construal that perceives human society to stand in an ongoing interaction with powers that it does not control, is "truer to the complexity of the moral space of life than the forms of conceptual and axiological reductionism characteristic of modern philosophy and theology," according to which persons are the only agents who create value through the maximization of power. The insight that "human civilization . . . transpires within a context defined by the action and vision of God" implies the radical finiteness of human reason. It implies that human beings are not the only agents but that they have to make the right contact with a power that is beyond themselves ("Power and the Agency of God," 216). This corresponds exactly to the notion of the *universality of history* laid out above, according to which human reason is not autonomous but is itself exposed to the dynamic of history. This self-understanding of human beings in history expresses itself in the way that history is reported in the Old Testament.

⁵² One such construal is the conception of the world in terms of the opposition between nature and freedom, nature and history, object and subject, according to which the world is reigned by causal law and only human consciousness that has its place in the sphere of freedom, opposed to the sphere of the causal continuum, is not subject to causality.

1.7.2 *Realism Versus Nominalism*

The second presupposition concerns the philosophical debate between realism and nominalism. One needs to call into question the so-called "linguistic turn" in biblical interpretation, that is, the sole focussing on the linguistic structure of the biblical texts and the assumption that there is no reality *beyond* the linguistic structure.⁵³ Instead, against this *nominalistic* direction we argue for the *realistic* character of the biblical texts. The texts really do point to a reality that is *beyond* the texts. There is a reality outside language, and language serves to describe this reality. There is an external reference, and language serves to express and to depict this experience of reality so that others can refer to it as well.⁵⁴ This reality *beyond* the texts is not an ontological or metaphysical reality of any kind. This does not mean, in turn, that God is just a linguistic phenomenon, a character in a text. The biblical God is *beyond* being and beyond *language*. That is the crucial point in the biblical distinction between God and world. The reality of divine agency cannot be defined in terms of an ontological, ideal or empirical reality. Nevertheless it is

⁵³ This nominalistic tradition has led to the belief that we have no other access to reality than that depicted by language. Cf. David Tracy, *Plurality and Ambiguity* (San Francisco: Harper, 1987); see especially the chapter on "Radical Plurality: The Question of Language." Tracy's key sentence is: "Reality is what we name our best interpretation" (ibid., 47, 48). In fact, however, this healthy skepticism, instead of stressing the *distance* between our linguistic depictions of reality and reality itself, has led to giving the linguistic structure an *absolute* status. It has essentially come to mean: There is no reality *beyond* that depicted by language; there are only so many different linguistic representations of reality and we have to take those as reality itself. Terry Eagleton has raised attention to the dangers of this approach that ultimately means "the ruin of all reference, the cemetery of communication" (*Literary Theory. An Introduction* [Oxford 1983] 146). Cf. also the important excursus "Exkurs: Logik und Sprache" in Georg Picht, *Kants Religionsphilosophie* (Stuttgart: Klett-Cotta, 1985) 380–386: "Um zu erkennen, ob und in welchem Sinne ein sprachliches Gebilde fähig ist, *Wahrheit* zur Darstellung zu bringen, muß man den Ausschnitt der Wahrheit schon kennen, der in dem sprachlichen Gebilde erscheint. Hingegen ist es eine Perversion des Denkens, die Sprache als das mythische Subjekt der Wahrheit zu betrachten und die Erfahrung und Erkenntnis der *wirklichen Welt* durch Etymologie und Sprachmystik ersetzen zu wollen" (ibid., 384; my italics).

⁵⁴ On the basis of the "linguistic turn," it is not possible to interpret the phenomenon of *prophecy*, the prophetic experience. Nominalists can only interpret the prophetic texts as they are transmitted. They cannot, however, explain the phenomenon that the prophet receives *oracles*, that he has *auditions* and *visions*. The biblical prophets claim over and over again that they have received *revelations* from YHWH. It is important to take seriously not only the prophetic words but also the prophets' claim that they have *heard* these words from YHWH. The prophetic oracles are not just interpretation. These words originate from a reality that is *beyond* language.

a reality that one can *experience*. The experience of the coming of the *Spirit*, the experience of *blessing* are ways in which this reality manifests itself.⁵⁵ The conflict between *nominalism* and *realism* will implicitly stand in the background of the following proposal.

1.8 OUTLINE OF THE INVESTIGATION

It is the goal of this investigation to regain the universal dimension of the God of the Old Testament as the God who acts in the world perceived as history and creation. In the following, the focus will be on this notion of the universality of history, in order to show that it accounts for a realistic understanding of history and of human existence in it.

Most modern interpretations of the biblical notion of history presume the absolute validity of the notion of the causal continuum and somehow try to understand the biblical talk of God's agency on the basis of its parameters. Paradoxically, they argue that the notion of history that they attain on this basis is uniquely *biblical*. However, in the framework of a modern concept of history, it is not possible to talk of *divine* agency in history.⁵⁶ The subject-object opposition represents a specific *perspective* and cannot claim to give a *true* description of the world. Other cultures understood history according to different parameters.

The proposals of G. Ernest Wright, the hermeneutically more reflected conception of Gerhard von Rad's *kerygmatic* theology that, on its part, is heavily dependent on the hermeneutical philosophy of Hans-Georg Gadamer, and the proposal of Hans Frei, will be discussed in chapter 2. Interpreting divine agency in the framework of the parameters of the subject-object opposition, they reduce God's agency in reality and the powerful word of God the creator to the word of human tradition that becomes authoritative for successive generations who reinterpret it in the course of history. In the end, God's acting in history and reality is reduced to God's acting in the

⁵⁵ For the attempt to grasp this reality to which the biblical texts refer, see Michael Welker's program of a *realistic theology* (idem, *Gottes Geist*, 49–57; idem, *Schöpfung und Wirklichkeit*).

⁵⁶ God is either subsumed to the causal continuum and becomes a factor in natural processes, or God is subsumed to the sphere of freedom and is equated with the human exercise of power.

story (Hans Frei). As such, however, it ceases to be the powerful word of the creator of both history and nature, a word that transforms reality *including* human stories and traditions.

We will exemplarily show the exegetical implications of a hermeneutical approach that assumes that the biblical texts *point* to the reality of God's word that comes from beyond the world and has the power to *transform* history and creation, by interpreting Isaiah 1–6 as a work of *historiography* (chapter 3). Its characteristic feature is that it establishes an intrinsic connection between the people's violation of justice and righteousness and the Assyrian domination in the latter half of the eighth century B.C.E. In the enactment of the "strange work" of YHWH (the attack of the Assyrians), the prophet Isaiah himself plays a central role. Those who describe history are an integral part of it, without being able to distance themselves from it.

In a further exegetical part (chapters 4–9), we will analyze the complex phenomenon of the petitioner's change of mood from complaint to joy in the individual complaint psalms. We will explore the *realistic* dimension of the psalmist's experience. The psalmists claim to experience YHWH's agency *now*, in their present time, in current, not just in past reality. Thus, theirs is an experience of *history* as well. Their change of mood occurs on account of *divine intervention* in favor of the petitioner. This divine intervention can be understood only on the basis of the biblical notion of the radical finiteness of human existence, according to which human existence is embedded in a sphere of powers and needs to get in the right contact with YHWH, the source of power. In an intensive dialogue with earlier scholarship, we will consider the realistic dimension of God's intervention that leads to the annihilation of the enemies besetting the petitioner and to his or her rescue from the distress. Specifically, we will analyze the biblical portrayal of God's acting as *judge* in the psalms of complaint of the individual. The interpretation of God's agency as judge in the individual complaint psalms and in related Assyro-Babylonian prayers to Shamash, the judge, will shed further light on how and why Israel could speak of divine agency in its portrayal of *history*. In history, as in the cultic sphere, the agency of the divine judge leads to the enactment of curses against a treaty-violator or to the rescue of the one threatened by enemies.

In the following chapter we will see how, throughout the history of modern scholarship, the biblical view of history has, in fact, been interpreted by adapting it to the parameters of the historical method.

The biblical experience of history has not only been forgotten. Rather, scholars claimed to have rediscovered the genuine *biblical* understanding of history when they interpreted the biblical texts according to the parameters of the historical method. The Old Testament thus unwillingly became a witness for the modern concept of history. It is only logical that, when it turned out later that the biblical texts cannot be harmonized with the *modern* view of history, the Old Testament was said not to be about *history* at all.⁵⁷

⁵⁷ See L. Perdue, *The Collapse of History*.

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CHAPTER TWO

THE ECLIPSE OF THE BIBLICAL EXPERIENCE OF HISTORY

2.1 THE ROMANTIC VIEW OF THE BIBLICAL NOTION OF HISTORY

The eighteenth century romantic understanding of history took this new concept of history, according to which human beings are the subjects of history, to be a genuine interpretation of the *Old Testament notion of history*. Contrasting it with the allegedly *static* thinking of the Greeks, it stressed the uniqueness of the Hebrews's sense of *history*. As early as in the eighteenth century, Friedrich Schlegel characterized this allegedly genuine Hebrew sense of history as follows:

Their whole feeling and existence was not just in the present, but in the past and even more in the future; and the past was for the Hebrews, not as for other nations, just a poetic legend and memory, but the serious sanctuary of their divine making and of the eternal covenant. And also the idea of the eternal was for them not separated from the temporal life and situation, as in the seclusive philosophy of lonely reflecting Greeks, but it was fully woven into the wondersome past of the chosen people, and into the even more glorious promises of its mysterious future.¹

Rather than *God's* agency in history, Schlegel sees the sense of history of the *Hebrews* as characteristically biblical and as standing in contrast to the Greek understanding of reality. This praise of the Hebrew sense of history and the stress on the distinction between Hebrew and Greek thinking stands at the cradle of the historical-critical method. Romanticism essentially equates the biblical notion of *God's* agency in history with *human* agency in history. This equation implies that God acts only through human beings. Biblical scholarship basically still refers to this romantic understanding of human acting in history, rather than to the *biblical* notion of *God's* agency in history, whenever it refers to the Old Testament's unique understanding of

¹ *Geschichte der alten und neuen Literatur* vol. VI (Kritische Friedrich Schlegel Ausgabe [ed. E. Behler]; Paderborn/Munich/Vienna: Schoeningh, 1962) 102. Quoted in G. Picht, *Platons Dialoge "Nomoi" und "Symposion"* (Stuttgart: Klett-Cotta, 1990) 155.

history. In its kernel, this is the suspension of the distinction between God and world that is so crucial for the Old Testament's understanding of God as the *creator* of both history and nature. It is, at the same time, a suspension of human *finiteness*. Rather than being *exposed* to divine agency, human beings see themselves as the agents. History as the universal sphere of individual and societal life is reduced to the enactment of human freedom in the sphere of nature and comes under human control. Ironically, it is precisely this modern concept of history that scholars take pains to deduce from the biblical texts and argue to be characteristically *biblical*.²

2.2 THE CONSTRUERS OF HISTORY AS ITS LONE AGENTS

2.2.1 *The "God Who Acts" and the Biblical Theology Movement*

The Biblical Theology Movement of the 1950s intended to take seriously the *realism* of the biblical language and its claim that *God acts in history*. The insight that history figures prominently in Israel's own statements of faith (God led Israel out of Egypt, etc.), led scholars to attempt to understand Israel's own theology of history in the hermeneutical framework of the space-time-continuum. They claim the biblical notion of history to be *linear* in contrast to the *cyclical* experience of the religions of nature of the neighbouring ancient Near Eastern peoples. They stress the *dynamic* character of Israel's understanding of history over against the allegedly *static* view of the cosmos of the Greeks. They understand God ultimately as acting through human beings, rather than as creator of history and nature.³ The universality of history as the interaction of natural, social, emotional, and rational factors, gets out of view. The embeddedness of human beings in a sphere of powers with which they have to get in the right contact does not play a role any more because it does not correspond to the modern experience of history. History is supposed to be linear, dynamic, and opposed to nature because that is,

² It is the concept of history that lies at the basis of the notion of redaction history and tradition history. According to this concept, history is the critically reconstructed history of Israelite faith, not however, the history that the biblical texts report as being shaped by divine agency.

³ This is one of the reasons why scholarship has been so eager to date creation theology late. However, the distinction between history and nature is not biblical; it is a modern philosophical distinction. The biblical notion of *universal* history, in contrast, encompasses nature *and* history.

according to the modern concept of history, how *human beings* act when they impose their will in the sphere of *nature*. Only a few quotes shall serve to document this well-known assessment of the notion of history of the Old Testament. John Bright, for instance, writes,

It was not, in fact, primarily in the repeatable events of nature, but in unrepeatable historical events that Yahweh manifested himself; and in these events, unlike the pagan gods, he acted purposively.⁴

Similarly, Martin Noth formulates,

Whereas in the religions of the ancient Near Eastern world the super-human agency of the divine was seen and venerated in the continuously repeated interaction of mythical powers, be it heaven and earth, stars and the elements, life and death, in the Old Testament preferentially historically unique events are understood as manifestation of God.⁵

For G. Ernest Wright, "the theological understanding of the whole Bible" has three elements:

There is, first, the peculiar attention to history and to historical traditions as the primary sphere in which God reveals himself. . . . Secondly, the chief inference from this view of history as revelation was the mediate nature of God's action in history: that is, his election of a special people through whom he would accomplish his purposes. . . . Thirdly, the election and its implications were confirmed and clarified in the event of the covenant ceremony at Sinai . . . These three elements are together the core of Israelite faith and the unifying factor within it. They have little abstract or propositional theology within them. They are based on historical events and the inferences drawn from them."⁶

⁴ Art. "History of Hebrew Religion," *IDB* 2, 562.

⁵ "Das Geschichtsverständnis der alttestamentlichen Apokalypitik," (*TBü* 6; Munich: Chr. Kaiser, 1957) 249. See also G. Ernest Wright, *God Who Acts. Biblical Theology as Recital* (London: SCM Press, 1952) 42-43: "Biblical man conceived of himself as existing in a particular, unique history which possessed significance because God through it was revealed in process of redeeming all history. Thus while the Israelite existed in nature, he was lord of nature, using and subduing it for his own purposes, and his focus of attention was not on nature but on history. Nature was not an independent object nor the kingdom of powers to be worshipped; it was instead a handmaiden, a servant of history." J.J.M. Roberts, "Myth Versus History: Relaying the Comparative Foundations," *CBQ* 38 (1976) 1-13, gives a succinct summary of this allegedly uniquely *biblical* view of history: "It would appear that a true historiography requires the tracing of the experiences of a human society that is free to follow its own course from a distinct beginning point through a significant progression in time, perhaps spanning centuries, in an unbroken development that looks forward to yet a future unfolding" (*ibid.*, 3). Roberts shows convincingly that the biblical view of history is much more complex and that it shares this complexity with the neighboring ancient Near Eastern religions.

⁶ *Ibid.*, 55-56.

These statements echo Schlegel's characterization of the Hebrews's sense of history made some 150 years earlier. For Wright, divine acting in history is accessible to us in terms of Israel's interpretation of *factual events*. The *acts of God* are what Israel *believed* them to be.⁷ The implication is that *in reality*, there was something more profane at stake.⁸ When Wright speaks of the mighty acts of God he speaks of Israelite religion, that is, of Israel's subjective understanding, not of the mighty act of God in any realistic sense. For him, Israel experienced the exodus theologically in terms of its divine *election*. However, Wright does not make clear *how* God acted in history. That Israel's recital is based on "inferences drawn from history,"⁹ implies a linear understanding of history that is reductionistic; it does not correspond to the Old Testament's own notion of the universality of history.¹⁰ The question is what the biblical talk of the acts of God means in a *realistic* sense. Realistic would mean in this context that it cannot be reduced to either its subjective (Israel's faith-statement) or to its objective aspect (the archeological evidence). Rather, its complexity eludes this opposition.

Wolfgang Pannenberg is explicitly concerned with getting into view the universality of history.¹¹ Universal history is for him the history of facts; the history of facts is the history that is guided by God.

⁷ "Israel inferred from the Exodus event that God had chosen her and, therefore, had established a special relationship between himself and her" (*ibid.*, 54).

⁸ This was sometimes explained in terms of taking the Old Testament's own understanding of history to be homologous with modern archeology's reconstruction of the factual history of Israel, claiming that archeological finds could prove the truth of the biblical confession that *God* acted in history. Scholars thus hoped to be able to revive the particular biblical language and the way it talked about history as being the result of divine action. For the critique of the interpretation of the biblical talk of God's agency in terms of a naturalistic explanation see Langdon B. Gilkey, "Cosmology, Ontology, and the Travail of Biblical Language," *JR* 41 (1961) 194–205. For the critique of the concept of language that stands behind this program see James Barr, "Semantics and Biblical Theology," *VTSup* 22 (1972) 11–19.

⁹ This is the reason for Gilkey's critique that "the object of biblical theological inquiry is biblical faith—that is to say, biblical theology is, like liberalism, a study of Hebrew religion" ("Cosmology, Ontology, and the Travail of Biblical Language," 197).

¹⁰ Bertil Albrektson has demonstrated convincingly on an exegetical and comparative level that all ancient Near Eastern religions speak of the gods as acting in history. However, in the same way as does the God of the Old Testament, the gods do not only act in history but also in creation. Albrektson rightly observes that the contrast between history and nature is not biblical and has no exegetical foundation. See B. Albrektson, *History and the Gods: An Essay on the Idea of Historical Events as Divine Manifestations in the Ancient Near East and in Israel* (ConBOT 1; Lund, 1967).

¹¹ W. Pannenberg, "Heilsgeschehen und Geschichte," *KD* 5 (1959) 218–237.259–288.

Rather than being the history that includes thinking and consciousness as integral factors, the universal history is for him, above all, the totality of the critically reconstructed process of history, from beginning to end. It can be reconstructed methodologically in analogy to how the natural sciences analyze the sphere of their objects. In this framework, Pannenberg equates God's agency with the contingencies that occur in the otherwise deterministic process of nature.

2.2.2 Critique

Rather than reviving the biblical perception of reality (this was its stated intention), this approach applied a concept of history to the Old Testament that requires rearranging and rephrasing the Old Testament's own account of history in such a way that it fits the presupposed framework of the critically reconstructed history of facts. Wright did not take into account the possibility that the biblical talk of God's agency cannot be translated adequately into the framework of the subject-object opposition and that, in many cases, God's agency does, therefore, not become perceivable in terms of facts or of human agency.¹² In Pannenberg's proposal the real agents of history are human subjects who produce this interpretation of history, even though they appear only indirectly, namely, as the authors of this construal of history. *God* is relegated to an immanent force in the sphere of nature which, from the perspective of the autonomous subject, is determined by causal law. Pannenberg does not take into consideration that the critically reconstructed history is necessarily the reconstruction by the autonomous subject that positions itself in the sphere of freedom. The autonomous subject is thus, by definition, not a part of this allegedly *universal* history, while it takes God to be a part of objective nature and an aspect of the *world*.

Both scholars are forced to ignore that God's agency is dealt with in all books of the Old Testament. For Wright, only the exodus-covenant complex is history because only it can be considered "a confessional recital of historical events as the acts of God, events which lead backward to the beginning of history and forward to its end."¹³ Thus, the linear understanding determines what is history

¹² It is not by chance that Wright insists that Israel's recital is the sum of "inferences from events" (ibid., 57).

¹³ Ibid., 57.

and what can be seen as God's agency. Wright believes himself to be faithful to the biblical language when he labels the one complex of *facts* of the exodus deliverance as the *mighty deed of God*, while implicitly discarding as fictive all the other biblical descriptions of God's agency. Biblical theology spoke of the *mighty acts of God* when, in reality, it meant the facts of critical history.

The Old Testament itself does not distinguish between God's speaking to Moses in the burning bush, God's agency in the exodus-deliverance, God's giving of manna, the giving of the decalogue, the punishment for the construction of the golden calf, and God's listening to Moses' prayer of intercession, to name only a few experiences of God's agency in close literary proximity to the narration of the exodus-deliverance. All of this is *history* for the Old Testament. It is a description of God's agency in Israel's reality. Further, in this depiction of history Israel is not the distant observer but is always existentially involved in the history that evolves in, above, and around it. Wright and Pannenberg could not see this divine acting as saying anything about *history* because they could not match it with critically reconstructed *factual* events. These acts do not appear as facts in the parameters of the causal continuum. The autonomous subject of the modern notion of history is the secret agent in both proposals. However, once one takes the position Israel has in the biblical texts, there is no place left for it. One then sees that there is no possibility of translating the biblical descriptions of divine agency other than by submerging oneself in the experience of reality that they express. Given the biblical notion of the universality of history, God's acting cannot be understood other than in the precise and unambiguous way biblical language depicts it. Its way of describing reality becomes false only if one mistakes it with the modern concept of empirical or ideal reality, if one reduces it to its *subjective* or *objective* dimension. To give one example: In the narrative of Exodus 16, one cannot, in a rationalistic fashion, substitute the manna that God gives the Israelites in the desert, with some *empirical* kind of food. Neither can one claim that the story is just symbolical, that the Israelites receive a *spiritual* nourishment. Both explanations substitute a concept of reality to the story that reduces the experience the Israelites made to either an empirical or spiritual one. In reality, their nourishment was, at the same time, material *and* spiritual. They survived on account of the *bread of life* that they received from heaven.

In the above proposals, the real agents in history are human beings

who from the position of the autonomous subject construe biblical history in the first place. They relegate God's acting to a process in the sphere of nature that can be explained in terms of causality. Correspondingly, rather than taking seriously Israel's self-understanding as being exposed to a sphere of powers that either sustain or threaten its very existence, they explain Israel's confession to have been delivered by YHWH *psychologically*.

Both Wright and Pannenberg assume that it is possible to attain an objective understanding of history.¹⁴ In the natural sciences, the application of a specific method, namely, the method of the experiment, in which the subject stands over against the object, is supposed to lead to the adequate understanding of nature. Analogously, the concept of the historical method implies the ubiquity of the interpreter who, in using the historical method, leaves his or her finiteness behind and stands *above* or *beyond* the sphere that he or she analyzes. This guarantees the objectivity of the results. This is the method that both Wright and Pannenberg applied to the Old Testament.

This framework is a specific construction *in* history, respectively, nature.¹⁵ On the basis of its parameters history is not experienced as universal history any more, as the sphere that encompasses all of reality, nature *and* freedom. History rather is reduced either to the sequence of facts that manifests itself in the space-time-continuum or to the agency of the autonomous subject.

The autonomous and absolute position of the subject of history remains unquestioned also in the following proposals for understanding the biblical notion of history that are critical of the above models.

2.3 HISTORY AND KERYGMA: ISRAEL'S ONGOING ACTUALIZATION OF ITS FOUNDATIONAL HISTORY

2.3.1 *Hans-Georg Gadamer's Critique of the Historical Method*

Hans-Georg Gadamer takes up the old insight of the Greeks that one cannot analyze in a theoretical and objective way what oneself is a part of.¹⁶ Gadamer criticizes the interpreter's self-positioning *above*

¹⁴ Israel's particular understanding of history is an "inference from events."

¹⁵ I use the names *history* and *nature* interchangeably; they denote the same sphere of universal reality.

¹⁶ H.-G. Gadamer, *Wahrheit und Methode. Grundzüge einer philosophischen Hermeneutik* (6th ed.; Tübingen: Mohr Siebeck, 1990).

the sphere that he or she interprets.¹⁷ However, he maintains the distinction between history and nature that cements precisely this self-positioning of the autonomous subject in the world. He argues for the finite location of the interpreter in relation not to *universal* history but only to the sphere of history uncritically understood as the sphere of *freedom*,¹⁸ leaving unquestioned the subject's autonomous and absolute position in relation to the sphere of *nature*.¹⁹ History thus continues to occur as the dynamic of the autonomous subject's

¹⁷ Gadamer claimed that the application of a *method* for understanding the human productions in the sphere of freedom had to be given up in favor of the "melting of horizons" between event and interpreter (Gadamer claims that, in contrast to the methodology of the natural sciences, in the sphere of *history* the application of a *method* does not result in an adequate understanding since the productions of human freedom are characteristically different from the objects in the non-human sphere of nature).

For Gadamer, history is primarily the encounter of human beings with the manifestations of the *objective spirit*: traditions, texts, plays, art, music, language. These phenomena cannot be understood adequately in the form of objects. They cannot be understood in terms of facts; their true understanding cannot be attained in the framework of the subject-object opposition. Rather, the *finite location* of the interpreter is of crucial significance for their adequate understanding. The genuine form of being of a historical tradition is its *enactment*, and in its enactment its truth reveals itself. In the occurrence of this enactment, the human being is not the autonomous subject any more that stands in a distance to its object. Traditions bring themselves to mind in the same way as a musical composition that "*is*" and *is understood* in its being enacted, without the interaction between the performance of a symphony and its listeners being defined in terms of the relation between object and subject. The distinction and opposition between subject and object is overcome in the very act of understanding. A true understanding of history is possible only by one's acknowledgment of one's embeddedness in the traditions one intends to understand. Especially those traditions that are considered as *classical* have a form of being that is intrinsically *historical*. They reenact themselves throughout time. In the realm of history human beings are thus not autonomous subjects but finite beings who are exposed to the traditions in whose sphere of influence they live.

¹⁸ Gadamer's hermeneutic is a partial renewal of the Greek insight that human reason is an integral part of what it tries to understand. While he replaces the *eternal* structures of the cosmos with the authoritative *historical* traditions, thus allowing for the *historicalness of truth*, it is crucial to notice that Gadamer applies his insight regarding the finite location of the interpreter only to the relation of human beings to their own productions (traditions, etc.). Rather than the *universal* realm of the physis, he envisions only a fragment of it, the *sphere of freedom*, as the horizon of human self-understanding. He questions the position of the subject of the *historical* sciences, not, however, that of the subject of the *natural* sciences. He does not question the opposition between nature and history itself, but presupposes it as an unquestioned given for the methodology of history; he is interested in how understanding is possible in the *historical* sciences.

¹⁹ This constitutes a fundamental difference from the Greek notion of the universality of history. Its consequence is the reduction of history to the existential self-understanding of the human being as a historical being, while the sphere of *universal*

exploitation of nature. It is *only* in relation to the sphere of freedom that human beings understand themselves as embedded in a sphere of powers with which they have to get in the right contact. They do not see themselves as *creatures*, as finite beings, in the sphere of *universal* history that encompasses nature *and* history.

This reductionistic concept of reality has been used as a framework for interpreting biblical texts and the biblical notion of divine agency. Divine agency is reduced to occurring in the realm of freedom. Gadamer himself points to the close parallel between his hermeneutic of history and a theological hermeneutic.²⁰ In the theology of Protestant worship, the *sermon's* function is to proclaim the word of God. In the same way as historical traditions affect human existence, in Protestant worship the word of God is only in the act of its being presently proclaimed and heard, so that in this occurrence the opposition of subject and object becomes obsolete. Biblical scholars ascribe to the *kerygma* an authority similar to that tradition has in Gadamer's hermeneutic. The *proclamation* of the kerygma, the confessional summary of divine salvific acts in history, is, according to these scholars, *the form in which God acts*. It is an expression of the historicalness of divine authority. God's agency is reduced to the word of the kerygma that successive generations interpret ever anew. Divine agency ceases here to be the agency of the creator of the world and of the king who shapes the events of world-history. Thus, by way of the notion of the historicalness of traditions, the biblical notion of divine agency is neatly integrated into the critical concept of history and comes to stand in accordance with its parameters. The decisive feature of the modern concept of history, namely, that human beings are the sole agents in a value-neutral universe, is carried through here in a sophisticated way. While one continues speaking of divine agency, it is reduced to human beings' interaction with their authoritative traditions, and this keeps one from getting into conflict

history is left to the methodical analysis by the autonomous subject of the natural sciences. In limiting the horizon of human self-understanding to the sphere of freedom, Gadamer reveals a reductionistic concept of reality. *Within* the limited realm of this reductionistic concept of history he does abolish the subject-object opposition. The *basic* opposition between subject and object, however, namely, that between *history* and *nature*, remains intact. The sphere that Gadamer designates as history is equal to the sphere of freedom and obtains on the basis of the fundamental opposition between *history* and *nature*.

²⁰ H.-G. Gadamer, *Wahrheit und Methode*, 335–339.

with the modern critical concept of history. However, the notion of divine agency is thus deprived of its power and simply integrated into the basic framework of the subject-object opposition that *continues* to manifest itself in the dichotomy of freedom and nature. In contrast, Isaiah's prophetic announcement of YHWH's commanding a mighty army to destroy Israel does not only lead to a new self-understanding of the hearer of these words who would otherwise act as the autonomous subject. It rather announces a radical upheaval in *universal* history, in the realm that encompasses nature and history. This affects not only one's inner self-understanding but one's entire human existence.

Even though the reduction of history to the historicalness of human self-understanding and the reduction of the powerful word of God to the word of the kerygma does not have anything to do with the biblical notion of God's agency in history and creation, it is precisely this concept of the kerygma that plays a role in Gerhard von Rad's theology of the Old Testament which he defines as *theology of its historical traditions*.²¹

2.3.2 *Critical History and Kerygmatic History (Gerhard von Rad)*

Von Rad recognized that history is the genuine sphere of *God's* activity in the Old Testament and that this has to reflect itself in the *form* of an Old Testament theology.²² Von Rad bases his theology on the *kerygmatic* picture of Israel's history. The kerygma is the summary of the "salvific facts" of God, the five events of the "canonical" salvation history, namely Exodus, Sinai, Wilderness, Giving of the land, and the Conquest of Jerusalem. The kerygma is Israel's interpretation of factual events. Israel retold this summary of divine acts throughout its history. In the same way, argues von Rad, it is

²¹ Manfred Oeming has pointed to the similarity in the approaches of Gadamer and Gerhard von Rad. He stresses that von Rad developed the approach of conceiving the theology of the Old Testament in terms of the theology of its historical traditions independently from Gadamer. This is corroborated by von Rad's 1962 preface to the fourth edition of his *Theologie des Alten Testaments*. One could thus say that Gadamer's hermeneutic provides the philosophical basis for von Rad's work. For a detailed comparison between Gadamer's and von Rad's hermeneutic of tradition see M. Oeming, *Gesamtbiblische Theologien der Gegenwart. Das Verhältnis von AT und NT in der hermeneutischen Diskussion seit Gerhard von Rad* (Stuttgart: Kohlhammer, 1985) 20–80.

²² For the following compare the chapter on methodology in the first volume of von Rad's *Theology of the Old Testament*.

the task of the theology of the Old Testament to *retell* the kerygmatic picture of Israel's history.

Von Rad drew a clear distinction between the kerygmatic picture and the critical reconstruction of Israel's history. The raw fact does not have any divine dimension. Though it is possible to reconstruct critically the *factual basis* of what Israel praises as *divine acts* in the kerygma, for us God's agency is present only in the kerygmatic *word* about this fact. It is thus epistemologically impossible to equate the critically reconstructed facts of history with *divine acts*. Our only access to the *divine* dimension of the facts are the *biblical texts*. They are Israel's interpretative *responses* to factual events.

Israel's interpretation of the facts and its ongoing actualization of these interpretations is, according to von Rad, not only Israel's response to factual events. It is, at the same time, the very form of the powerful word through which *God* acts in history.²³ Israel is confronted with this word of the kerygma always anew throughout its history. The history of tradition of the Pentateuch is the result of Israel's ever expanding reformulation and actualization of the originally short kerygmatic confession of YHWH's salvific deeds whose earliest stage one can find in Deut 26:5–9. To retell this confessional picture of Israel's history is, argues von Rad, the genuine task of the theology of the Old Testament.

2.3.2.1 Critique

Though von Rad clearly distinguishes between the critical reconstruction and the kerygmatic picture of history and though he stresses that the divine dimension of history is present only in the word of the kerygma, it is obvious that what he depicts as the kerygmatic picture of Israel's history is predetermined by the results of critical reconstruction. The critical reconstruction, however, is done by the autonomous subject that is the sole agent in a value-neutral universe (Schweiker). Von Rad's theology of the Old Testament is not just a retelling of the biblical account of salvation history. It rather is the modern interpreter's retelling of the critically reconstructed history of Israel's traditions.²⁴ Only this critical reconstruction enables von

²³ In von Rad's theology, *God* is identical with God's *word* and corresponds structurally to the *authority* of the tradition in Gadamer's hermeneutic.

²⁴ This, however, does not have anything to do with the biblical notion of divine agency, but a lot with the critical history of Israel's faith.

Rad to establish the structural analogy to Gadamer's hermeneutic of tradition, and to define Israel as being continually confronted, in the form of the word of the kerygma, with its historical traditions. It is not accidental that he sees the origin of these different kerygmatic traditions in factual events in the distant past.

This basic structure of von Rad's theology as theology of Israel's historical traditions has two far-reaching implications, namely, first, the close dependency of the kerygmatic picture on the critical reconstruction of history, and, secondly, the assumption that Israel has, with regard to the events of history, the position of the distant *interpreter*.

1. *The kerygma's dependency on the critical reconstruction of history*

Von Rad does not consider the possibility that the agency of God manifests itself in forms that cannot be reconstructed critically in terms of *facts* and still has to be considered as *history*. This shows how arbitrary his reconstruction of the kerygma is; it is necessarily related to facts. Von Rad sees all the other instances that mention God's agency and that are not part of the kerygma of Deut 26:5-9, in the same way as Wright, as not referring to history. The problem with von Rad's theology is that the critical and the kerygmatic picture resemble each other too *closely*, rather than that there is a *gap* between them.²⁵ For von Rad, the critical history determines the kerygmatic picture, and it, in turn, determines what *Israel* must have experienced as history and as divine agency in history.

2. *Israel as the distant interpreter of its factual history*

The very definition of the Old Testament texts as "interpretations" of *facts* by Israel presupposes that, as the author of these texts, Israel

²⁵ Von Rad was much criticized for leaving unbridged the gap between critical and kerygmatic history. Especially Franz Hesse had argued against von Rad that one should take only the critically reconstructed history of Israel, not, however, Israel's retelling of this history, as the *saving history*: "The witness of Israel about its own history is not to concern us in as far as it wants to be witness of history, because it stands and falls with the historicity of that which is witnessed." Hesse stresses further: "Our faith lives from that which happened in Old Testament times, not from that which is confessed as having happened. . . . Kerygma is not constitutive for our faith, but historical reality is." This positivistic conception of faith is in agreement with Pannenberg's proposal. Hesse is quoted according to G. Hasel, *Old Testament Theology: Basic Issues in the Current Debate* (4th ed.; Grand Rapids: Eerdmans, 1991) 118. What von Rad was not criticized for, however, was the claim that the kerygmatic picture presented the Old Testament's own understanding of history in an appropriate way. There was a consensus that von Rad's kerygma was indeed a faithful grasping of the Old Testament's own view of history.

composed them in a considerable distance from factual events that it then interpreted in terms of divine agency. From a critical point of view this characterization of the biblical texts as Israel's *interpretations* might be correct. However, the texts themselves that von Rad defines as Israel's interpretations of a distant past, do not reveal Israel as the distant interpreter at all. Nothing in these texts indicates that they are merely Israel's interpretation, referring to a distant objective event. Only the modern substitution of an author to these texts forces one to take this perspective. In reality, the texts portray Israel as always being inescapably involved in the action. Israel is exposed to God's agency. It rebels against it. It tries to ignore it. Never is Israel a distant observer. It is continuously exposed to God's agency in history and creation, to God's powerful word that determines the course of universal history, that leads to the flourishing or decay of nations.²⁶

Once one leaves behind von Rad's framework of kerygmatic theology, which is structurally similar to Gadamer's hermeneutic of tradition and based on the critical reconstruction of factual events, one sees that, according to the biblical texts, God's acting does not just realize itself in the proclamation of the word of the kerygma to the community of faith. The kerygma is an artificial entity and its content does not have an authority by itself.²⁷ God's agency does not just occur in the form of the *authoritative proclamation* of Israel's reinterpretation of its foundational history. Rather, its instrument is the word that is always new, that breaks into present reality. It has a creative power that transcends the boundaries of societies. That is the way the Old Testament portrays history as happening.

²⁶ The *critical* insight that the historical texts were written often centuries after the original event (J and P with respect to Exodus and Sinai) does not have a correspondence in the *form* of Israel's historiography. Israel never presents itself as the distant interpreter. Rather, Israel is one of the main characters in the narratives of its history. From this perspective the question of the *authorship* of these texts presents itself in a completely different light.

²⁷ In analogy to the authority of *traditions* in Gadamer's hermeneutics, von Rad stresses the authority of the *kerygma*. However, the authority of the kerygma does not lie in its own textual structure. It rather lies in the external reality to which it points. The content of the kerygma (Deut 26:5-9) tells of specific acts of God. It points to God's agency in history and reality. This God to whom the texts point is the God who continuously acts in present reality as well. The God who acts and who Israel confesses to be acting cannot be reduced to the authority of the text (the kerygma) that Israel uses to point to this divine agency. The text has an external reference. Its point of reference is *God*. And God and God's continuous and ongoing agency is what an Old Testament theology is all about.

Von Rad understands divine agency as occurring in harmony with the framework of the space-time-continuum by basing it on critically reconstructed facts that, by way of the word of the kerygma, are discernable as *divine acts*. The word of God is not the powerful word of the creator any more. Rather than being the word that is active in history and that comes from beyond the world, it is the “domesticated” word of the kerygma. Having become word of the kerygma, the fact-turned-divine-act addresses itself to Israel under the conditions of the definition of the world in terms of the distinction between nature and freedom. It presupposes the immutability of the cosmic structures and is relevant only on the *anthropological* level. Rather than being about *history*, von Rad’s theology is about the *historicalness of human existence* in its ongoing interaction with the word of the kerygma. In the framework of von Rad’s theology, God acts throughout Israel’s history via cultic festivities and prophetic proclamations that bring to mind the foundational (factual) salvation history in terms of the word of God. The Pentateuch is the embodiment of Israel’s ongoing interaction with the kerygmatic tradition; it is the embodiment of the “theology of the word of God.” Von Rad reduces divine agency to the word of the kerygma that is being proclaimed to Israel in a way that is analogous to how the sermon proclaims the word of God to the community in Protestant worship.

There is another approach which draws the last consequence of this understanding of the biblical notion of divine agency in history. It explicitly denies that the Old Testament can be interpreted as history at all. It proposes to read the Old Testament as *story* rather than as history.

2.3.3 *Story and History (Hans Frei)*

In his work, “The Eclipse of Biblical Narrative,”²⁸ Hans Frei argued that the biblical texts are realistic cumulative narratives. They unfold a narrative world that is meaningful in itself and can be understood without relying on an external or ideal framework of reference. In fact, he argues that this text-immanent narrative world of the Bible is destroyed once the texts are forced into the framework of external or ideal references. James Barr, further developing the implica-

²⁸ Hans Frei, *The Eclipse of Biblical Narrative. A Study in 18th and 19th Century Hermeneutics* (New Haven: Yale University Press, 1972).

tions of this proposal and presupposing a positivistic concept of history, argued that large parts of the Old Testament are closer to the genre of *story* than to that of historiography.²⁹ According to this distinction, the *factual* history is the only true history and *story* is the name of all those texts that do not fit into this category. Consequently, all texts labeled as *story* do not say anything about the *reality of history*. Since all texts that portray *God* as an agent in history do not meet the standards of a positivistic concept of history, this categorization relegates God to a character in the *story*. As a character in a story, God is subjected to the conditions of the world. In the plot of this story God might act as creator; God is not, however, the creator of the world *in which the hearer lives*. The *realistic* character that Frei attests to the narrative refers only to the text-immanent coherence of the story. It has nothing to do with the reality of history and with the reality of the world. Being reduced to a character in the story, the power of God the creator affects, at the most, the inward feeling of the person. Inwardly, he or she might feel as a creature. In the reality of the world, however, he or she will act as the autonomous subject. The uncritical assumption of the positivistic notion of history as the only possible one and the characterization of the Old Testament as story with God a character in the text relinquish the universality of the Old Testament notion of history. God has become an innerworldly entity that has power only in an anthropological dimension, and this only with regard to the *inner* person. In that regard, Frei's concept of God is parallel to the word of the kerygma in von Rad's theology.

Frei's rediscovery of the narrative realism of the biblical texts is fascinating. However, the narrative world that the texts unfold is the *real* world in which we live as creatures. The narrative creates its own references that point beyond the text; in *this* regard it is *realistic*.

2.4 CONCLUSION: THE LIMITEDNESS OF THE MODERN CONCEPT OF HISTORY

History understood in the framework of the opposition between nature and freedom is only a very specific concept of history. This framework cannot claim to be absolute—it does not describe nature

²⁹ James Barr, "Story and History in Biblical Theology," *JR* 56 (1976) 11–17.

as it *really* is—but rather represents a specific perspective that obtains if one looks at reality from a certain position, namely from the position of the absolute subject,—a position that is itself perspectival and located in the sphere of nature. From the position of the absolute subject that presupposes the opposition between nature and freedom and that, consequently, sees itself, its thinking and its truth as standing *beyond* the sphere of nature, reality presents itself necessarily in terms of the space-time continuum. History as clearly separated from the sphere of nature cannot be conceived as universal, as the complex interaction of biological, social, irrational, and physical factors any more. By exempting human reason, thinking, and consciousness as integral factors from what constitutes history, history is reduced to the form in which it presents itself in the framework of the subject-object opposition.

The modern concept of history has itself a historical origin and needs to be clearly distinguished from both the Greek and the Hebrew understanding of history. The biblical view of history and reality is more comprehensive and cannot be understood adequately within the limits of this horizon. However, since the validity of this epistemological framework is taken to be absolute, biblical texts are interpreted according to its parameters.³⁰ The Old Testament notion of history has always been interpreted in the framework that the quote from Schlegel expresses so sharply. The universal dimension of history that is present in Greek cosmology and in the biblical notion of God's agency in history and nature is subordinated to the parameters of this framework, even though the biblical notion of God as creator is semantically incompatible with it. This subordination does *not* mean that the universal reality that the biblical texts envision does not exist. It does mean, however, that theology has lost sight of it and has given up the claim to have anything to say about it.³¹

We thus have now two different concepts of history. According to texts like Isaiah 5 and Jeremiah 23 God acts in history and creation while human beings are exposed to this acting in the same

³⁰ Even when Leo Perdue speaks of "The Collapse of History," he refers to the positivistic concept of history and draws the conclusion that the Old Testament is not about history at all. However, this is dangerous because it implies giving up the claim that the Old Testament has anything to say about the political and socio-economic reality in which we live.

³¹ This is G. Picht's central critique of 20th century theology (*Theologie—was ist das?* [ed. G. Picht/E. Rudolph; Stuttgart: Kreuz, 1977] 12–13).

way as all the other created beings. According to Schlegel's view, in contrast, human beings are the lone agents in history, since God's agency is identical with the human realization of freedom in the sphere of nature. Whenever biblical scholars speak of the unique understanding of history of the Old Testament, they, in fact, follow in the footsteps of Schlegel's concept of history.³² In the *existential* understanding of history, history is reduced to the human self-understanding in light of the traditions. Gadamer reduces history to *Geistesgeschichte*. *Geistesgeschichte* is a subordinated aspect of the real universal history.³³ With regard to the traditions and other productions of the human spirit, the person might understand him and herself as the finite being that *is* only in the act of understanding. In relation to nature, however, the same historical being will act, regardless of all its historicalness, as the absolute subject. History understood as *Geistesgeschichte* is an abstraction from the real history.³⁴ In analogy, in von Rad's conception of the theology of the Old Testament,

³² In this regard, James Barr is right when he criticizes that biblical theology follows modern epistemology without being aware of it ("Story and History in Biblical Theology," 2-3).

³³ This way of understanding history in terms of the *historicalness* of the human being has been predominant in theological scholarship. Dealing with the question, "How does history manifest itself as God's agency?" ("Wie wird Geschichte als Handeln Gottes offenbar? Zur Bedeutung der Anwesenheit Gottes im Offenbarungsgeschehen," *ZTK* 88 [1991] 211-231), the theologian Johannes Fischer distinguishes in a Kantian fashion between theoretical and practical knowledge. For theoretical reason, history is the causally determined sequence of facts in the space-time-continuum and it is impossible to perceive God as an agent in this sphere. For *practical* reason, for the dimension of *faith*, however, history can present itself as a sequence of acts, God can be seen as an *agent* in history. The distinction between theoretical and practical reason corresponds to that between nature and freedom. The *causal* event happens in the sphere of the space-time-continuum (nature), divine agency, in contrast, is limited to the sphere of *consciousness* (freedom). Both spheres have to be strictly separated and do not just represent two different *perspectives* on the *same* reality. For Fischer, the talk of God as *creator* makes sense, semantically, only in the sphere of human consciousness. Consciousness mediates between God and the sphere of nature, as understood by modern physics. This corresponds exactly to Gadamer's limitation of historical truth to the authority of *tradition* and to the reduction of the word of God to the *kerygma* in hermeneutical theology. God's *universality* as the creator who acts in history *and* nature is lost in both cases.

³⁴ The historicalness of understanding does not have any effect on the *real* history. In the real history the same human being that is *finite* in its understanding of traditions acts as the *autonomous* subject imposing its will on nature, its object. By maintaining the distinction between history and nature, Gadamer has basically left untouched the absolute self-understanding of the humans in the sphere of reality. He overlooked that human beings do not exist only in a *history* that is understood as the productions of human consciousness, but that they also live in *nature* and that, therefore, his concept of history is too narrow.

God, understood as the word of the kerygma, is reduced to the impact of the historical traditions on Israel's life. As such, God does not have any impact on the *real* history. The kerygmatic concept of the theology of the word of God does not get into view that in the Old Testament the word of God *creates* history and nature. It is not subject to the causal continuum, directing itself only to the inward person of the hearer. It rather is the powerful word that overthrows structures and that shapes the world. It shapes *universal* history. The specific understanding of the word of God by kerygmatic theology is one important reason why the notion of history of the Old Testament has increasingly been lost from sight.

Modern epistemology itself has lost the dimension of history. It is obvious that the positivistic concept of history cannot be used as a framework to interpret the biblical view of God's agency in history.³⁵ However, in response to a positivistic concept of history, history was reduced to the historicalness of human existence. Hermeneutical theology, in turn, has reduced God to the historicalness of the tradition so that God has become an *innerhistorical* entity.³⁶

³⁵ This has been stressed by L. Perdue, *The Collapse of History*; J. Barr, "Story and History in Biblical Theology."

³⁶ The current postmodern eclipse of history is a further consequence of this existential hermeneutics. The postmodern claim of the plurality of forms of knowing, of constructive imagination, and of multiple identities, concerns the subject's self-understanding (regardless whether on the individual or the communal level) in what epistemology calls the sphere of *freedom*. Though it acknowledges the untenability of any *absolute* position, the human self-understanding and perception of reality continue to follow the structure of the subject-object split. The subject just does not claim any more that its perception is valid for others as well so that the struggle of interpretations between different communities of interpretation is the logical consequence. This, however, is not the *overcoming* of the subject-object split. The dissolution of the concept of the *subject* would imply that humans understand themselves as radically finite beings who, instead of perceiving what is beyond them in terms of *objectivity*, see themselves as *exposed* to all the forces and powers of reality. It would imply that the humans see themselves as beings that do not *have* the truth but that are exposed to its *self-manifestation*. In contrast, postmodernity has brought about the *multiplication* of subjects who all claim to *have* their particular truth, resulting in an indefinite number of communities of interpretation.

Further, postmodern thought focuses exclusively on the sphere of consciousness and freedom. It continues to perceive the sphere of nature as the sphere in which mathematical laws are valid and in which, therefore, human beings continue to act as autonomous subjects according to the timeless principles of logic. Contrary to postmodern philosophy's own claim to have overcome the subject-object split, this split remains firmly rooted in the enduring opposition between *nature* and *freedom*. The focus on the realm of human subjectivity and the neglect of the sphere of nature, in the exploitation of which the real dynamic of history reflects itself, are the reason why a postmodern perception does not get into view the *reality of history*.

This concept of history falls short of the notion of the universality of history that is present in the Old Testament and that questions the very dichotomy between history and nature. In the Old Testament, God acts in history *and* nature. God is *beyond* the world and *beyond* history and nature. YHWH's power is universal. The whole of reality, nature *and* consciousness, are exposed to God's agency. The notion of history of the Old Testament is universal because it sees both, subject and object, as involved in history and as exposed to the agency of God.

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CHAPTER THREE

TOWARD REGAINING THE UNIVERSAL DIMENSION OF HISTORY. ISAIAH'S PROPHETIC VIEW OF HISTORY: THE PEOPLE'S VIOLATION OF THE TORAH, THE COMING OF THE ASSYRIANS, AND THE "STRANGE WORK" OF YHWH

3.1 RECAPITULATION: TOWARD REGAINING THE UNIVERSAL DIMENSION OF HISTORY

The *real* history does not evolve as the result of the individual's self-understanding in the light of traditions and classical texts and their authority. The *real* history rather evolves as the exploitation of nature by the autonomous human subject that conceives of itself as standing beyond what it conceives as the sphere of objects.

History is the complex interaction of thinking with reality. Nature is the sphere in which human beings with their thinking and consciousness live. The subject ceases to be the subject, once one draws the conclusion that one does *not* stand beyond history and nature. One then is just a finite human being that is exposed to all the forces of history and nature. If human thinking is *in* nature, it cannot understand nature according to a method any more. If human thinking is *in* time, it cannot understand history in terms of *linearity*; it cannot understand the past in terms of *objects* and *facts* because it is exposed to the effects of the past and cannot assume a fictive stance beyond it. Nature and history are interrelated, and history is a process that evolves in nature.

H.-G. Gadamer had pointed to the contradiction that lies at the basis of the historical method. The interpreter does not have his or her stance above history but is an integral part of what he or she interprets. Since human beings are finite and *historical* beings, a theoretical, and that means, a *methodical* analysis is a fiction. Gadamer thus stresses the finiteness of human existence. However, he does so only with regard to the *traditions*, and the traditions in whose reach one lives are only a very limited aspect of reality.

Thus Gadamer's approach has to be extended. He takes up the

old insight of the Greeks that one cannot analyze in a theoretical and objective fashion what oneself is a part of. The relativity that historicism had discovered resulted in the insight that human beings are always *in* history; it must, further, lead to the insight that history is the horizon of everything that exists.

This insight makes it possible to see that the Hebrew understanding of history, as we exemplarily saw in the quotation of the passages from Isaiah and Jeremiah, has to be taken seriously as a *realistic* understanding of history. The biblical notion of history and nature understands history to be the continuous result of divine action in its interaction with the way human society relates to the power that is beyond it. This self-understanding of human beings *in* history accounts for the particular way the biblical texts describe the experience of history. W. Schweiker finds what he calls the “moral ontology” of the biblical texts to be “surprisingly complex:”

It does not reduce the moral space of life to the interaction between autonomous agents seeking power and value-neutral matter understood simply in terms of either emergence or transcendence. Rather, human beings act in a moral space defined not solely by their own power; action is mediated by forms of discourse and practices that reinforce the moral order (cultic action); human freedom is directed to the ends of justice and mercy (prophetic discourse); and the social system is differentiated into interacting domains of activity (legal discourse). Most important, human power is not definitive of value even if diverse forms of power are the origin of value. Human power is exercised for good or ill within a horizon of value symbolized through the divine and mediated by different forms of discourse.¹

It is our thesis that the Old Testament notion of history as the expression of God’s agency represents a *realistic* perception of the

¹ W. Schweiker, “Power and the Agency of God,” 220. Diana Edelman has given a helpful definition of historiography that acknowledges the different philosophical presuppositions of ancient and modern forms of history-writing: “History-writing is a genre that needs to be subdivided into ancient and modern types because of differences in critical standards and in the understanding of causation. Ancient history-writing is a narrative genre that describes current or past reality, events, or people, based on one or more sources of information, which creates meaning by attempting to answer the question ‘why.’ In ancient history-writing, causation tends to be associated with both humans and the divine. Modern history-writing, on the other hand, is a narrative genre that describes current or past reality, events, people, or ideas, based on one or more critically evaluated sources of information, which creates meaning by using rational thinking that links data into chains based on cause and effect” (“Clio’s Dilemma: The Changing Face of History-Writing,” 253).

world. It transcends the view of the world in terms of the opposition between freedom and nature² and represents a wholly different perception of reality that accounts for the complexity and multi-layered character of the reality of history by recognizing that human thinking itself is an important factor that shapes history. According to the Old Testament, human beings in their wholeness, including the ability to think, are *creatures*. Human reason is an integral part of nature. Human existence is a finite existence that is embedded in nature and, therefore, limited by biological, geographical, social, and political factors, a finite existence that is not in possession of truth but that is exposed to the self-manifestation of the truth. God the creator is not part of the world but is *beyond* the world and is always clearly distinguished from the creature. From this human self-understanding results an understanding of history in terms of the complex interaction of qualitative and quantitative factors, rather than as the history of facts. The Old Testament sees history as the complex interaction of human thinking and consciousness, of the human drive for power with social, political, biological, and geographical factors. Human society stands in an ongoing interaction with a sphere of powers in which it is embedded and it is crucial for human beings to make the right contact with this power that they do not control. It can perceive God as being in command of the universe and as the one who can order foreign nations to attack Israel.

There are two notions of history. One concept sees history through the lens of one particular historical conception of the distinction between God and world that conceives the distinction between God and world, in fact, as an *innerworldly* opposition. It absolutizes this perspective and equates the process of *universal* history with the limited perspective in which history appears in the framework of this particular interpretation.³ The other notion sees history as the widest

² We have seen that Greek cosmology, out of which this concept arose, did not see the world in terms of the opposition between nature and freedom.

³ All the different aspects of historical-critical investigation: source criticism, redaction history, tradition history, are based on this particular concept of history that has to be distinguished from the *biblical* notion of history. The definition of reality as the opposition between nature and freedom, between the sphere of the space-time-continuum and the sphere of consciousness, cannot claim an absolute and objective validity. Though it is *possible* to see reality in these parameters and though in this framework everything *has* to present itself in the way as the natural sciences determine it, one cannot assume that the space-time-continuum is the absolute structure of nature. Rather, it is perspectival and gives a *reductionistic* picture of nature

horizon for everything that is, even for those productions of human thinking that claim to give an objective definition of history. We saw already that this understanding implies a change of position in history of human beings who attempt to understand history, from the transcendental subject that analyzes history rationally as its object, to the radically finite being that acknowledges the perspectivalness of his or her perception of history. According to the biblical distinction between God and world, human beings as finite creatures are always *in* the world and *in* nature and history. They are exposed to the agency of God the creator of history and nature who is *beyond* the world.

It is our objective to understand the Old Testament notion of history and of reality. To assume this notion to have a realistic character has specific consequences for the interpretation of biblical texts. We cannot see the text as an *object* that is to be analyzed. The Old Testament is not an object in space and time but a phenomenon in history and we can understand this phenomenon because we are in the same history. The time that separates us and our experiences from those manifest in the text does not legitimate us to see ourselves in the position of subjects and the text in that of an object, in the same way as we do not have the legitimation to see our own present time in terms of objectivity. In this regard, there is no difference between our understanding of past and present history. We are not in a position to *judge* the text. This implies to respect the integrity of the texts as phenomena that cannot be reduced to one of their aspects.

and history. This concept is *perspectival* because, in order to arrive at its results, it needs to exclude human reason from understanding itself as an integral part of nature. It sees human reason as autonomous and as standing over against nature in the way the subject stands over against its object. By projecting human reason outside the world, it creates, in fact, an opposition within the world itself. This leads to a distorted view of the sphere of nature. The direct consequence of the dichotomy between nature and freedom that it projects into the world is its reduction of nature and history to mathematically quantifiable facts. The concept of the dichotomy between space-time-continuum and autonomous subject does not give an adequate definition of the world. The fact that on the basis of this concept the natural sciences have gained an enormous knowledge about the structures of nature does not invalidate this point. The point is that it absolutizes what is only one possible perspective.

3.2 THE PROPHETIC VIEW OF HISTORY: HERMENEUTICAL CONSIDERATIONS

In the following, the attempt will be made to understand the presentation of history that the *book* of Isaiah sets forth. We thus claim that the book of Isaiah is a work of historiography in which a specific experience of history manifests itself.⁴ We will focus exemplarily and in admittedly very broad strokes on Isaiah 1–6. The characteristic feature of this presentation of history is that history is here the sphere that is completely transparent for God's agency; the sequence of divine oracles and prophetic actions describes the course of history. Further, the prophet himself is not the mere transmitter of divine messages but he plays a crucial role in the shaping and unfolding of history. History is here experienced as a sphere of powers to which human society is exposed and which it influences, and history unfolds according to how human society relates to the source of power that is beyond it. The question that this book leads one to ask is not "What is the setting of this book?", but "Where is our place in the history described in this book?"⁵

⁴ Often only the critical reconstruction of Isaiah's authentic proclamation has been given *historical* value. Israel's own historiography has only been used as a quarry for the critical reconstruction of history, and only this is commonly agreed to be history. The attempt to reconstruct the original form of prophetic oracles and their hypothetical historical setting assumes that the most significant aspect of the divine oracles is not their *content* and the context in which they are placed in the book's account but the situation in which they were first delivered. The prophet as transmitter of the oracles and the biographical circumstances connected to their transmission then become the matrix of the historical reconstruction. The prophetic *book* is then considered to be only a functional device for the collection of these oracles. In contrast, my claim is that, in accordance with the definition given by Diana Edelman, the book of Isaiah is a work of history-writing.

⁵ This perspective on the text as treating it not as an object but as reading it by entering into the world that it unfolds is what the philosopher Ute Guzzoni calls "landscape thinking" (*landschaftliches Denken*). It is a metaphor for what it means to read a text as a finite being rather than as treating it as an *object* that is distant from oneself and has nothing to do with one's own reality. It means to read a text as though it is taking one on a walk through a landscape. From each new point a new horizon opens itself up. The experiences one makes in the course of this walk accumulate and impact how one perceives the next stretch of the path. Views from mountain tops open up new horizons that help one to keep a perspective when descending and going through a dangerous and dark valley. It is a whole different experience to have an *aerial view* of a landscape or to walk through it (See Ute Guzzoni, *Wege im Denken. Versuche mit und ohne Heidegger* [Freiburg/München: Karl Alber, 1990] 25–59).

A prophetic book is commonly understood as relating history only indirectly, in terms of its literary or redactional history. Some scholars see this correlation between changing historical situations and new redactional additions to the book as the genuine form in which the prophetic view of history manifests itself. What is regarded as historically significant is more the postulated underlying unconscious function of the redactors as mirrors of their time rather than the *content* of what they say. According to this view, it is necessary to reconstruct carefully the literary history of a prophetic book, in order to see how God's acting implicitly reflects itself in the history of redaction. An external framework of reference, the historical-critical framework, is thus regarded as requisite for adequately understanding the history the prophets refer to. The theology of history of the book of Isaiah would thus reflect itself, firstly, in the meaning of his authentic proclamation, and secondly, in a critical history of its literary formation. However, the history of texts and redactions are only external constructs. They help establish the hypothetical genealogy of texts and the literary development towards the final form. In focusing on the *correlation* between redaction and chronology that has to be brought to the surface through careful critical analysis, scholars do not interpret the history that the book itself tells. They do not regard the *content* of the prophetic book, namely, its announcement and description of God's agency in history as saying anything about *history*. They see the prophetic books as *having* a history, not as *telling* history.⁶ However, the history that the book itself presents is not just a secondary and irrelevant product. Rather, even the redactors had *this history* in mind when they worked on the book. They had an idea what this book was about; they did not just blindly add the unreflected thoughts and projections of their own time to its manuscript but they consciously and deliberately worked on a presentation of history that they knew was larger than themselves and larger than the time in which they lived.

In part, the disregard for the prophetic books as presentations of *history* has to do with the assumption that the holistic reading of the book is *ahistorical*. A holistic or canonical reading of the book *can*

⁶ There can be no doubt that the critical reconstruction of authentic oracles and redactional layers yields important insights into the social and political history of the respective time. The history that the book itself narrates, however, has a historical value in its own right.

certainly be ahistorical. That is the case when it is read *synchronically* in an abstract sense, that is, when, in response to a *diachronic* reading that understands the texts according to their place in the reconstructed literary history, all texts are read as being strictly on the same timeless level and the internal dynamic of the text is not accounted for.⁷ The sequence of action that the book describes is lost from sight when it is interpreted in an abstract synchronic sense. The book presents *history* and does not just mirror the setting in which it was written. It presents the history of Israel and Judah from the latter half of the 8th century on. That is, it has a specific internal dynamic. It creates its specific sequence of events. It establishes precise connections and causal relations between events, etc. That is a strong device against an indiscriminate synchronic reading of the book. History is never synchronic. It is always about a succession of events, about *before* and *after*. History itself is *always* diachronic. However, not exclusively in the sense that the texts *have* a history. Rather, in the sense that the texts *tell* history. This means that they tell a sequence that is irreversible; they unfold a narrative that is temporal and creates a specific dynamic that cannot be translated into a timeless structural schema.

We thus maintain that a narrative reading of the book of Isaiah is a *historical* reading. It is not a historical-critical reading. It does not establish the history of the texts. *It rather is a reading of the history that the book tells.* This reading discloses a specific understanding of history that is distinctively different from a modern understanding of history but that gives surprising insights into the history of Israel in the 8th and 6th centuries. Isaiah's view of history is complex. He depicts history as unfolding according to how Israel relates to the sphere of powers in which it is embedded. Specifically, Israel's keeping of justice is crucial for the direction in which history unfolds. Isaiah establishes connections between Israel's breach of justice and righteousness and the Assyrians' domination in the latter half of the eighth century.⁸ Assyria is the instrument of YHWH's judgment.

⁷ Ahistorical are all *structural* schemes of the outline of the book of Isaiah or parts of it that pay attention only to formal signs and do not take into account the narrative dynamic established through the *content* of the book, that is, through its narration of history. A holistic reading is also ahistorical when it sees the book as the product of the last redactional stage. The book is then taken to be the reflection of a specific late postexilic setting that has nothing to do with the time of the prophet Isaiah.

⁸ To retrieve "empirical" data from the book and insert them into a critical

YHWH, in attacking Israel, will become strange and unrecognizable. At the same time, the prophet as YHWH's representative is to anticipate YHWH's acting (Isa 8:1-4; 20:1-6).

3.3 HISTORY AS TRIAL (ISAIAH 1-4)

Isaiah's proclamation proper, set in the historical time of king Uzziah (6:1), does not start until chapter 5. As a historical person who speaks in the first person singular and relates to the audience of *his* time Isaiah appears for the first time in Isa 5:1. Isa 6:1 and 7:1 firmly place Isaiah's proclamation in the time of a specific historical period. Isaiah 1-4 have a different function.⁹

Isaiah 1 opens as a divine lawsuit that God has with God's people (vv 2-4). As in Psalm 50 and Deuteronomy 32, heaven and earth are called upon as witnesses in God's lawsuit to testify against the people. This beginning is of programmatic significance for the whole book. The subsequent vv 5-9 which are an integral part of the divine lawsuit are a divine lament, spoken into a situation where the people have already endured several stages of YHWH's judgment and still refuse to repent and to return. That these verses reflect most likely the situation after Sennacherib's invasion of Judah and his siege of Jerusalem in 701 BCE signals that God's lawsuit against the people *continues* throughout the history narrated in the book. It is the divine activity that is a key of interpretation to all the historical developments narrated in the book. YHWH's lawsuit still goes on when Jerusalem is already reduced to "a booth in a vineyard," a situation that will be narrated only at the end, in chapters 36-39, an end that, as seen from the beginning, is still forty years away but

reconstruction of history will uncontrollably distort these data. Only in respecting the compositional and organizational techniques of this writing of history does one get an adequate understanding of the history presented in the book of Isaiah. In order to comprehend this view of history, it is necessary to understand the basic parameters that guide this understanding of history. One of these basic parameters is that YHWH acts in Israel's history.

⁹ Isaiah 1-4 are a composition that does not present Isaianic oracles in chronological order. See J.J.M. Roberts, "The Divine King and the Human Community in Isaiah's Vision of the Future," in *The Quest for the Kingdom of God: Essays in Honor of George E. Mendenhall* (ed. A. Green, H.B. Huffmon, and F.A. Spina; Winona Lake: Eisenbrauns, 1982) 127-136 n. 1. Roberts argues convincingly that the vision of YHWH in Isaiah 6 is the origin of Isaiah's theology ("Isaiah in Old Testament Theology," *Int* 36 [1982] 130-143). Isaiah 1-4 have a hermeneutical function for the book of Isaiah. They provide the lens through which it is to be read. This shall be explored in the following.

in which the people are still as reluctant to turn back as at the beginning. The divine speech thus intentionally evades the attempt to relate it to *one* historical setting.

An integral part of YHWH's lawsuit is the proclamation of the torah (vv 10–17). Its proclamation and its violation through the people play a crucial role in the book of Isaiah. Isa 1:10–17 is the one place in the book where the torah that later chapters only refer to in abbreviated form is proclaimed to the people in extenso: "Hear the word of YHWH, you rulers of Sodom! Listen to the torah of our God, you people of Gomorrah!" (v 10).¹⁰ The torah is proclaimed to those whom the fate of these two cities still awaits:

Wash yourselves; make yourselves clean;
remove the evil of your doings from before my eyes;
cease to do evil, learn to do good;
seek justice, rescue the oppressed,
defend the orphan, plead for the widow.

In v 20 YHWH gives a conditional promise:

If you are willing and listen, you will eat the good of the land,
but if you refuse and rebel, you shall be devoured by the sword;
for the mouth of YHWH has spoken.

As part of God's lawsuit, the proclamation of the *torah* goes on throughout the book of Isaiah. Even in the situation of decimation and after successive judgments God still calls the people to follow the torah. At the same time, Isaiah denounces the people's *rejection* of the torah throughout the book (5:24; 8:6, etc.). In 28:13; 30:9,15 he explicitly refers to Isa 1:20 stating that "they did not want to listen."

It is impossible to relate YHWH's lawsuit that opens the book of Isaiah to a specific historical setting.¹¹ YHWH's lawsuit deliberately encompasses the whole period from the beginning of Isaiah's prophetic activity to the time of Sennacherib's invasion. It sets Isaiah's whole proclamation in the light of YHWH's lawsuit against the people.

¹⁰ In the previous section of the lawsuit (v 9) the people's lament was quoted that were it not for God's grace they had become like Sodom and Gomorrah. In v 10 they are, in fact, addressed as the "rulers of Sodom and Gomorrah."

¹¹ Historico-critically one can say that in its present form it stems, at the earliest, from the time of Sennacherib's siege of Jerusalem. That explains the genealogy of this text. One can attempt to reconstruct the setting in which this redaction took place. That, however, does not explain the significance, the content, and the function of Isaiah 1 for the understanding of the book of Isaiah.

Isaiah 2–4 are a vision of the future. *On the day of YHWH* Israel and all the nations will be judged and “YHWH alone will be exalted in justice and in righteousness.” The future anticipated here will be explained in full detail only in the course of the book.¹² While Isa 2:2–4 envisions all the nations streaming to Mt. Zion to receive YHWH’s torah, Isaiah 4 envisions Zion’s restoration after YHWH’s judgment. Isa 2:2–4 opens a wide horizon that ultimately reaches up to Isa 51:4–5. Here the *servant of YHWH* announces:¹³

The torah will go forth from me and my justice as light for the nations.
My righteousness is near, my deliverance goes forth, and my arms
judge the nations;
for me the islands hope, and for my arm they wait.¹⁴

This promise will be fulfilled only in Isa 52:13–53:12, in the nations’ realization of the wonderful significance of the death of the servant.¹⁵ Upon realizing that the servant has carried their sins, “Many peoples will be astounded, and kings will open their mouth” (52:15). They will confess their sins and this will ultimately create reconciliation among them. Thus far reaches the horizon of Isaiah’s vision in 2:2–4. It points to a future that lies beyond the historical catastrophes through which Israel and Judah will still have to go in the course of the history that the vision of Isaiah (1:1) entails.

Isaiah 2–4 thus opens in broad strokes the horizon for the historical events that the book of Isaiah narrates. In the same way as Isaiah 1, these chapters do not document Isaiah’s oral proclamation in chronological order. Rather, these texts have their setting in the

¹² Historico-critically one can assume that these chapters are a later addition. However, it would be reductionist to read them only as the reflection of a specific postexilic setting. Rather, what is important is the *content* of these visions and the divine agency that they announce. Their narrative function is to provide a further hermeneutical lens for all of Isaiah’s prophecy.

¹³ Cf. Isa 50:10: “whoever fears YHWH may listen to the voice of his servant.” In Isa 51:1 ensues the servant’s address that 50:10 had referred to: “Listen to me those who pursue justice, those who seek YHWH.”

¹⁴ If this is the servant speaking, then he points to 52:13–53:12.

¹⁵ As J.J.M. Roberts points out, “the role of the servant seems to combine elements drawn from both royal and prophetic experience. The prophetic component in this portrayal is unmistakable and therefore generally acknowledged, but the servant’s mission to Israel and the nations also takes up a royal dimension. Just as did the Davidic monarch of First Isaiah, the servant establishes and maintains justice for Israel and the other nations, though he achieves this in a strikingly non-royal way” (“Isaiah in Old Testament Theology,” 141).

future that they depict.¹⁶ Only this future is important. The prophet Isaiah as the one who reports these visions recedes completely into the background. In fact, Isaiah as a person does not play a role at all in Isaiah 1–4. All that counts is the vision of history as a trial that he paints here, and the agency of YHWH that will bring it about.

3.4 THE PEOPLE'S VIOLATION OF JUSTICE AND RIGHTEOUSNESS (ISAIAH 5)

With Isaiah 5, for the first time in the narrative, the prophet himself steps into action and addresses the people in his own present. Isaiah 5 denounces and describes in a detailed and precise way the

¹⁶ Isa 2:5 addresses the "house of Jacob" to walk in the light of YHWH. In the same way as the nations Jacob has to go to Mt. Zion to receive the torah. Isa 2:6–22 proclaim "that day," the day of YHWH's future judgment against Jacob. The book of Isaiah is about the implementation of the day of YHWH. "On that day" the people will throw away their idols (2:20). In Isa 17:7–8 and 31:6 this vision is fulfilled. The realization of the day of YHWH is the judgment against Israel, Judah, and the nations.

The theme of "that day" is continued in Isaiah 3 where the judgment of YHWH "on that day" against Jerusalem and Judah (v 1) is anticipated and described as the city's deprivation of all leadership. Isa 3:13–15 explicitly states the theme of YHWH's judgment:

YHWH rises to argue his case;
he stands to judge the peoples.
YHWH enters into judgment with the elders and princes of his people:
It is you who have devoured the vineyard;
the spoil of the poor is in your houses.
What do you mean by crushing my people,
by grinding the face of the poor?
says YHWH God of hosts.

YHWH's judgment against Israel *and* the nations (v 13) needs to be read in the context of 1:2 where heaven and earth are invoked as witnesses for YHWH's lawsuit and in the light of 2:11, that "YHWH alone will be exalted on that day." Rather than being an oracle addressed to a specific audience at a specific time, vv 13–15 define the historical development in terms of the unfolding of a trial; the book of Isaiah is the description of this trial of YHWH against God's own people and against the nations.

Isa 3:16–4:1 continue the theme of YHWH's "taking away" (*hēsîr*) all power and glory from Jerusalem. The "daughters of Zion" will be deprived of all their jewelry. Finally, Isa 4:2–6 depicts the salvation that will be the ultimate outcome of YHWH's purging judgment. This salvation, to come after the many trials and catastrophes that await the people, is described in 28:5f and, more extensively, in 30:18–26 and 32:15–18.

various forms of the people's violation of justice and righteousness. Their violation of the torah reflects the situation during the reign of Uzziah (Isa 6:1); it will cause the historical catastrophes that will devastate Israel and Judah (Isa 5:5-7).

A prophet receives revelations from YHWH about the course of history. The prophets themselves are members of their society. What is the role of the prophets when their proclamation is ignored and disregarded? What is the role of the prophet when they announce the judgment and the devastation of the people? Is the prophet himself affected by this judgment or does he stand above it? Is he spared or does he share the fate of the people? How does this message of doom affect *him*? This is what Isa 5:1-7 is implicitly about. Isaiah here introduces himself as YHWH's representative.

In Isa 5:1-7 the prophet uses the genre of a love-song and sings about the love of a man for his "vineyard," his bride, in order to attract the attention of his audience to the message that he will deliver at the end, in v 7. However, the role of Isaiah, the singer, is not just that of an actor who tells the story about the love of a man for his bride. Rather, Isaiah himself plays a part in this relationship; he sings for *his beloved*: "I will sing for my beloved the song of my friend for his vineyard. My beloved had a vineyard on a very fertile hill . . ." (v 1). Three times the singer stresses his close relation to the one he calls his *beloved*. This leads the audience to ask itself who the singer's beloved might be. Only at the end of the song it becomes clear that Isaiah's beloved is YHWH. Isaiah introduces himself not simply as YHWH's spokesman and mouthpiece but as the one who calls YHWH his beloved. In v 1 Isaiah introduces himself to the audience of this song but, at the same time, to the audience of the book.

Isaiah's song is not about his love for his beloved; he rather sings on behalf of his beloved, namely, "the song of my beloved *for his vineyard*." Isaiah is a part of the vineyard. As the song will show, Isaiah is the *only* one in the vineyard who (still) calls YHWH his beloved.¹⁷ At the same time, Isaiah acts as YHWH's representative. Isaiah thus

¹⁷ The word vineyard is an erotic metaphor for a woman and stands for Israel and Judah. Cf. also v 6 where the vineyard is called "the planting of his joy." In Jer 12:7, the prophet Jeremiah is *YHWH's* beloved. YHWH warns Jeremiah not to trust even the members of his father's *house* because they devise evil against him (12:6). Following this warning YHWH declares:

stands in between YHWH and YHWH's vineyard. Isaiah is a member of his people and will share its fate. But he steps forward to sing for his beloved.

The complexity of Isaiah's role—as *YHWH's* representative he sings a song in which he describes the love that he himself as a shoot of the vineyard has experienced—explains the fact that he neither uses the *divine* first person nor the first person of the vineyard when he starts singing "the song of my beloved for his vineyard:"¹⁸

My beloved had a vineyard on a very fertile hill.
He dug it and cleared it of stones,
and planted it with choice vines;
he built a watchtower in the midst of it,
and hewed out a wine vat in it.

The song takes a sudden turn when Isaiah describes how the winegrower was rewarded for all his love: "He hoped for it to give grapes, but it gave wild grapes." At this turn, Isaiah fully assumes the role of YHWH's spokesman and speaks in the divine first person, asking "the inhabitant of Jerusalem and the man of Judah to judge between me and my vineyard:" "What more was there to do for my vineyard that I have not done in it? When I expected it to yield grapes, why did it yield wild grapes?" Isaiah, whose song is now not a love-song any more, then announces, as YHWH's mouthpiece, what YHWH will do to YHWH's vineyard:

I will remove its hedge,
and it shall be devoured;
I will break down its wall,
and it shall be trampled down.

I have forsaken my house,
I have abandoned my heritage,
I have given *the beloved of my soul*
into the hands of her enemies.

Jeremiah will bear the sin and evil of the people. The question that is barely alluded to in Isa 5:1–7 is answered in Jer 12:7 in a specific way: God will *abandon* the beloved of his soul on account of the evil of the people. The prophet does not escape from the evil that he sees coming in his visions. Rather he will bear it. The name *beloved* characterizes the relation between YHWH and YHWH's prophet. However, the prophet is not detached from his people but will suffer its fate. This points to the songs of the servant in Isaiah 40–55.

¹⁸ The bride in the Song of Songs speaks of herself in the same way in the third person when she sings to her beloved about *his* love for her: "Let my beloved come to *his garden and eat its choicest fruits*" (Cant 4:16b).

I will make it a waste;
 it shall not be pruned or hoed,
 and it shall be overgrown with briars and thorns;
 And to the clouds I will give order that they rain no rain upon it.
 (vv 5-6)

To be sure, at this point it has become clear for the audience that *YHWH* is the owner of the vineyard. Isaiah speaks with the full authority of *YHWH* behind him. The song of the vineyard sets forth the wide horizon and full depth of Isaiah's whole prophetic proclamation: It envisions the destruction of both Israel *and* Judah. Isaiah explains the parable as follows:

For the vineyard of YHWH Sabaoth is the house of Israel,
 and the people of Judah are his pleasant planting;
 he expected justice, but saw bloodshed;
 righteousness, but heard a cry. (v 7)

The parable of the vineyard encompasses in a few verses the whole breadth of historical events up to the destruction of Israel and Judah that is still in the far away future. According to this view, the invasion of the Assyrians, the destruction of Samaria, and the near elimination of Jerusalem are, ultimately, the consequence of Israel's and Judah's *violation of justice and righteousness*. What follows in the next chapters is an unfolding of this intrinsic relationship between the breach of justice and righteousness and the ensuing historical catastrophes. Justice and righteousness stand here for a state of harmony and wholeness on a level that has a universal dimension. That is why its violation has world-historical consequences.

Isa 5:8-24 is a series of woe-oracles that spell out what it means that there is *mišpāḥ* "where he hoped for *mišpāt*," and *šē'āqā* "where he expected *šēdāqā*" (v 7). They pronounce the threat of death against the people. Isaiah denounces the people's distortion of reality and their construction of an artificial reality. Those against whom these oracles are spoken act in accordance with the parameters of their *own* wisdom. From YHWH's perspective, however, this appears as "reality turned upside down:"

Ah, you who join house to house, who add field to field, until there
 is room for no one but you,
 and you are left to live alone in the midst of the land! (v 8)

Ah, you who rise early in the morning in pursuit of strong drink,
 who linger in the evening to be inflamed by wine,

whose feasts consist of lyre and harp,
tambourine and flute and wine,
but who do not regard the deeds of YHWH,
or see the work of his hands! (vv 11-12)

Ah, you who drag iniquity along with cords of falsehood, who drag
sin along with cart ropes,
who say,
"Let him make haste,
let him speed his work that we may see;
let the plan of the Holy One of Israel hasten to fulfillment that we
may know!" (vv 18-19)

Ah, you who call evil good and good evil,
who put darkness for light and light for darkness,
who put bitter for sweet and sweet for bitter. (v 20)

Ah, you who are wise in your own eyes,
and shrewd in your own sight! (v 21)

Those who abandon the *torah* have lost their connection with reality. Isaiah pronounces doom over those who "say good to evil and evil to good, who put darkness for light and light for darkness, who put bitter for sweet and sweet for bitter" (v 20). On the *moral*, the *visual*, and the *sensual* level, the people turn reality upside down.

In 5:18-19 Isaiah blames the people for "drawing near iniquity with cords of evil, and sin with cartropes" (v 18) when they arrogantly challenge YHWH:

Let him make haste,
let him speed his work that we may see;
let the plan of the Holy One of Israel hasten to fulfillment, that we
may have insight.

The people take YHWH's place and consider YHWH to be powerless in comparison to their own power. They speak from the secure position of those who assume that only they have the power to realize their work and to bring their plan to fulfillment. They speak from the position of those who assume that they are in control of reality and that *their* work and *their* plan determines the course of history. The violation of justice and righteousness is, on the deepest level, an expression of the breach of the first commandment. Human beings have taken YHWH's place.¹⁹

¹⁹ The same assumption that YHWH is subject to their plan and counsel, and that *they* direct the course of history is present in another Isaianic woe-oracle.

This is Isaiah's analysis of the society in which he lives. However, it is not just an *analysis*. Rather, the woe-oracles have a *performative* character. They pronounce doom over the people and thereby evoke its reality. The violation of justice and righteousness will have three consequences that are all interrelated and cannot neatly be distinguished from each other.

1. It leads to the people's self-destruction. Isaiah expresses this in 5:24:

Therefore, as the tongue of fire devours the stubble,
and as dry grass sinks down in the flame,
so their root will become rotten,
and their blossom go up like dust;
for they have rejected the *torah* of YHWH Sabaoth,
and have despised the word of the Holy One of Israel.

The root of those who cut themselves off from the life-giving and nurturing reality, who "forsake YHWH, the fountain of living water, and dig out cisterns for themselves, cracked cisterns that can hold no water" (Jer 2:13)—"will become rotten, and their blossom will go up like dust." This self-destruction is total. It shows that the violation of justice and righteousness shakes the balance of the universe.²⁰

It is not part of the series in chapter 5, but in form and content it is closely related to 5:18–19:

"Ah to those who hide themselves from YHWH in order to conceal a plan.
And in the darkness are their works,
and they say, 'Who sees us, and who knows us?'
You turn things upside down if the potter is regarded as the clay,
if the work says to its maker, 'He did not make me,' and the thing formed says
to the one who formed it, 'He has no understanding.'" (29:15–16)

The people assume that *their* plan (*ma'aseh*) and counsel (*'esā*) guides history. This plan is concealed from YHWH who is not able to *see* and to *know*. The rhetorical question, "Who sees us and who knows us?" in 29:15 is a variation of the ironical statement "that we may see" and "that we may know" in 5:19. They see YHWH as helplessly exposed to their guidance of history. They consider YHWH to be no more than an object of their activity. However, this is a fatal misunderstanding. And that is why Isaiah pronounces doom over this people. It is a complete misunderstanding of the true character of the universe and of the powers that dominate it. It is hubris on the part of the people to assume that *they* are in control of reality. This hubris is their evil.

²⁰ Cf. the analysis in chaps. 1–2 above that in the biblical view human societies are embedded in a sphere of powers and that it is crucial for them to get into the right contact with the source of power, in order to survive. In Isa 30:13–14 as well

2. YHWH will order a foreign army to attack Israel (5:25–30). Both consequences are two dimensions of the *same* historical reality. Israel's violation of justice and righteousness upsets the balance of powers in the universe and thus forces YHWH, the king of the universe, to deploy the Assyrian army against it. In his prophetic view of history, Isaiah sees a connection between the oppressive and unjust conditions that characterize Israelite society and Assur's increased westward expansion. Both developments are related to each other. Because of Israel's despising of the torah of YHWH Sabaoth" (v 24), YHWH

will raise a signal for a nation far away,
and whistle for a people at the ends of the earth;
Here they come, swiftly, speedily!
None of them is weary, none stumbles,
none slumbers or sleeps,
not a loincloth is loose,
not a sandal-thong broken;
their arrows are sharp,
all their bows bent,
their horses' hoofs seem like flint,
and their wheels like the whirlwind.
Their roaring is like a lion,
like young lions they roar;
they growl and seize their prey,
they carry it off, and no one can rescue. (vv 26–29)

3. The third consequence of Israel's violation of justice and righteousness and one that is, again, only one dimension of the *same* historical development, is reported in Isaiah 6. Isaiah has a vision of YHWH, "the Holy One of Israel," the king of the universe.

the people's despise of the torah (30:9) leads to their self-destruction. They tell the prophets: "Leave the way, turn aside from the path, *let us hear no more about the Holy One of Israel*" (vv 10–11), to which YHWH answers:

Therefore this iniquity shall become for you like a break in a high wall,
bulging out, and about to collapse,
whose crash comes suddenly, in an instant;
its breaking is like that of a potter's vessel
that is smashed so ruthlessly that among
its fragments not a sherd is found
for taking fire from the hearth,
or dipping water out of the cistern (vv 13–14).

This is the consequence of the people's "despising of the torah of YHWH Sabaoth and of the word of the Holy One of Israel" (5:24).

3.5 ISAIAH'S VISION OF THE HOLY ONE OF ISRAEL (ISAIAH 6)

Isaiah 6 is a vision report, a first person account by Isaiah himself that can be divided into three subsections.²¹ In vv 1–4 Isaiah describes his vision of YHWH sitting on a throne, high and lofty. He sees YHWH surrounded by six-winged seraphs who stand in attendance above him and who have to cover themselves from YHWH's radiant holiness. They praise YHWH and sing uninterruptedly: "Holy, holy, holy is YHWH Sabaoth and the fulness of all the earth is his glory." From this voice the thresholds of the temple shake and the house fills with smoke. Isaiah reacts strongly to the vision of YHWH sitting on a throne, high and lofty, to the six-winged seraphs who are in attendance above him, to their praise of YHWH's holiness, to the shaking of the thresholds, and to the smoke that fills the temple (vv 1–4). Confronted with this sight, he exclaims in distress:

Woe to me because I am struck with silence,
because a man of unclean lips I am
and in the midst of a people with unclean lips I dwell;
because my eyes have seen the king YHWH Sabaoth. (v 5)

Only through the intervention of one of the seraphs is Isaiah's life salvaged:

And one from among the seraphs flew to me and in his hand was a burning coal,
with tongues he took it from the altar.
And he touched my mouth and said:
"Now that this has touched your lips,
your iniquity has departed,
and your sin is forgiven." (vv 6–7)

Isaiah is rescued from certain death in the presence of YHWH. The whole vision of Isaiah 6 stands in an abysmal contrast to the people's challenge in 5:19, where they assume to be in control of reality and see YHWH as just a powerless figure dependent on their plan.²² The very vision is already a response to the people's assump-

²¹ Cf. O. Keel, *Jahwe-Visionen und Siegelkunst. Eine neue Deutung der Majestätsschilderungen in Jes 6, Ez 1 und Sach 4* (SBS 84/85; Stuttgart: Katholisches Bibelwerk, 1977). Though Isaiah 6 is the origin of Isaiah's theology (cf. J.J.M. Roberts, "Isaiah in Old Testament Theology," 131–135), its literary placement in the book signals that it is to be read as YHWH's response to the people's violation of justice and righteousness.

²² Note that Isa 5:18 is the only other passage in the book of Isaiah where the word-pair "sin and iniquity" (6:7) appears.

tion that they are in control of history. In the light of this vision that presents YHWH as the "Holy One of Israel" (5:19), it becomes immediately clear that the people have turned reality upside down. YHWH's *holiness* is Isaiah's ultimate characterization of YHWH's rule of the universe. It is a power that has no equal.²³

The power of the divine council is called *rûah*, spirit. It clearly denotes the dynamic quality of God's power and signals its distinction from human concepts of power. This distinction points, at the same time, to the possibility of *conflict* between the universal power of the divine assembly and human conceptions of power.²⁴

For Isaiah, YHWH as king of the universe determines the course of history. *This is the Isaianic concept of history.* It is the history of the

²³ Cf. Roberts, "Isaiah in Old Testament Theology," 131-135. It is the office of the prophet to stand in the divine council, to listen to YHWH's torah, and to communicate it to the people. The human activity that expresses the agreement of the society with the sphere of power of the universe is the practice of justice and righteousness. This practice of justice and righteousness includes very concretely the protection of the poor, widows, and orphans from oppression, the guarantee of fair judicial processes, and the protection of the small landowner from exploitation. If justice and righteousness are violated, the agreement of the human society with the universal sphere of power is disrupted. A disbalance has occurred that leads to the destabilization of the society and to its eventual demise.

²⁴ This distinction comes very sharply to the fore in one of Isaiah's oracles directed against the political leadership that seeks military support from Egypt:

Alas for those who go down to Egypt for help and who rely on horses,
 who trust in chariots because they are many
 and in horsemen because they are very strong,
 but do not look to the Holy One of Israel or consult YHWH!
 Yet he too is wise and brings disaster;
 he does not call back his words,
 but will rise against the house of the evildoers,
 and against the help of those who work iniquity.
 The Egyptians are human, and not God;
 their horses are flesh, and not Spirit.
 And YHWH will stretch out his hand,
 and the helper will stumble, and the one helped will fall,
 and they will all perish together.
 (Isa 31:1-3)

The distinction between divine and human power is here antithetically formulated in the pairs human—God, flesh—spirit, and human wisdom—divine wisdom. The Egyptians cannot help because their resources: horses, chariots, and horsemen are mere instruments of force that lose all significance in comparison to the "Holy One of Israel" who guides the universal sphere of power. In comparison to YHWH whose word is a fire that devours Israel, and who calls nations from far away, the Egyptians' horses represent mere force but not power. They have the same impact as the dreams of the lying prophets. They are straw and not wheat (cf. Jer 23:29).

universe guided by the divine king.²⁵ The title king points to the active *rule* of God. The different societies evolve within this history of the universe. And only if human societies live in accordance with justice and righteousness do they live in accordance with the one who guides the history of the universe. To replace this with the human control of history is a complete reversal of reality. However, the human attempt to control history endangers the balance of the universe. Therefore, YHWH has to send a messenger from the heavenly assembly to counter it.

3.6 ISAIAH'S PROPHETIC COMMISSION AND YHWH'S "STRANGE WORK"

Isaiah's vision of the divine council reaches its culmination when the prophet joins the deliberations of the council and is given a specific commission (6:8–10):

Then I heard the voice of YHWH saying,
 "Whom shall I send, and who will go for us?"
 And I said, "Here I am; send me!"
 And he said, "Go and say to this people:
 'Keep listening, but do not comprehend;
 keep looking, but do not understand.'
 Make the mind of this people dull,
 and stop their ears,
 and shut their eyes,
 so that they may not look with their eyes,
 and listen with their ears,
 and comprehend with their minds,
 and turn and be healed."

Isaiah's response to this order has the form of a lament: "How long, O Lord of the Universe?" YHWH's answer is definite: "Until the land lies waste and the cities are without inhabitants" (v 11).

How do we have to understand this commission? What will YHWH have the people listen to and look at that they will neither comprehend nor understand?²⁶

²⁵ See Roberts, *ibid.*, 132.

²⁶ According to the common interpretation of Isa 6:9–10, Isaiah is given the commission to proclaim *salvation* to the people. The people, however, will reject these calls to turn to God. It is in their rejection of the prophetic word of salvation, argue scholars, that the divinely intended hardening of heart manifests itself.

In the following, I want to show that Isaiah's commission consists in announcing to the people that they will be confronted with the incomprehensible and unintelligible acting of YHWH. YHWH will act in a strange and unrecognizable way. The people will get to see things they will not understand, and they will get to hear things they will not comprehend. The unrecognizable and incomprehensible acting of YHWH will make the people's mind dull; it will stop their ears and shut their eyes (v 10). It will cause their destruction. The people will be helplessly exposed to this whole occurrence. *This* is how what is commonly called Isaiah's commission to harden the people's heart realizes itself.

Isaiah's commission is not absurd. It rather realizes itself on several levels throughout the book. The talk of YHWH's strange acting, of

To bring about this *hardening of heart* is, according to them, the task Isaiah is commissioned to fulfill. The prime illustration of this proclamation of salvation that encounters rejection is taken to be Isa 7:10ff. Here king Ahaz does, in fact, *reject* the offer of a sign that assures him of YHWH's salvation. Isa 6:9-10, his commission, thus demonstrates for Isaiah that YHWH had predetermined Ahaz's rejection of the message of salvation from the very beginning. This interpretation of Isaiah's commission has reached a virtual consensus in scholarship. Cf. Ernst Jenni, "Jesajas Berufung in der neueren Forschung," *TZ* 15 (1959) 321-39; Christof Hardmeier, "Jesajas Verkündigung und Jahwes Verstockungsauftrag," in *Die Botschaft und die Boten. Festschrift H.W. Wolff* (ed. J. Jeremias and L. Perlitt; Neukirchen-Vluyn: Neukirchener, 1981) 133-51.

There is, however, in 6:9-10 no word at all about the prophet's commission to proclaim *salvation*. Rather, in v 9, Isaiah is told: "Go and say to this people: 'Keep listening but do not comprehend, keep looking but do not understand.'" In order to maintain their claim that Isaiah is given the commission to proclaim salvation, scholars are forced to interpret v 9 in rather odd ways. They deny that in v 9 Isaiah is ordered to address the people. Rather, the direct speech in v 9 is said to be fictive. In it, God would inform Isaiah beforehand about the people's negative reaction to his message of salvation. Or the verse is taken to be elliptic; in saying "Keep listening but do not comprehend," Isaiah would, in reality, mean something like: "Keep listening, namely, to words of salvation, but do not comprehend, that is, *you will reject them*."

On the basis of these interpretations of the commission, scholars have argued that Isa 6:9-10 is a *retrojection*. As a prophet of repentance and salvation Isaiah failed. Only at the end of his career he would have attained the insight that his word of salvation had, from the very beginning, been divinely *intended* to cause its own rejection. Isa 6:9-10 would thus be the mature prophet's summary of his prophetic mission at the end of his career. Vv 9-10 would summarize his insight that his message was intended to be rejected. He would then have placed it intentionally in his *inaugural* vision, in order to legitimate his prophecy.

These interpretations are futile because they do not respect the wording of the text. In vv 9-10, Isaiah is *not given the commission to proclaim salvation*. There is no mentioning of that at all. V 9 is neither fictive nor elliptic. It rather is a direct speech that Isaiah is ordered to deliver to the people. He *is* to proclaim to them: "Keep listening but do not comprehend; keep looking but do not understand."

YHWH's "strange work" (Isa 10:12; 28:21) is at the center of Isaiah's theology.²⁷

Isaiah's announcement to the people that they will keep listening without comprehending and looking without understanding has a parallel in Isa 28:11–13. Here the prophet reports:

Truly, with stammering lip and with alien tongue
he will speak to this people, to whom he has said,
"This is rest; give rest to the weary;
and this is repose;" yet they did not want to listen.
Therefore the word of YHWH will be to them
šaw lāšāw šaw lāšāw qaw lāqāw qaw lāqāw, here a little, there a little;
in order that they may go, and fall backward, and be broken, and
snared, and taken.

In Isa 28:11–13 we get to see the logic that is behind YHWH's strange acting. YHWH's speaking with alien tongue is God's response to the people's refusal to listen to the clear and comprehensible word of the torah in the first place. YHWH had given the people the torah: "This is rest; give rest to the weary; and this is repose" (v 13). But the people rejected the torah: "they would not hear."²⁸ Since the people did not want to hear the torah, YHWH's word will now, in reaction, become *incomprehensible*. It will cause them to fall backward, and be broken, and snared, and taken.²⁹ As in 28:11–13, in Isaiah 6 the divine decision to become incomprehensible follows upon

²⁷ For the notion of YHWH's plan and "strange work" cf. Roberts, "Isaiah in Old Testament Theology," 137–140.

²⁸ Cf. Isa 1:20: "If you are willing and listen, you will eat the good of the land, but if you refuse and rebel, you shall be devoured by the sword; for the mouth of YHWH has spoken." Cf. also Isa 30:9 where the same reproach, "they would not hear," appears: "They are a rebellious people, faithless children, who do not want to hear the torah of YHWH."

²⁹ A passage in the book of the prophet Amos describes God's becoming incomprehensible in a similar way (Amos 8:11–12):

The time is surely coming, says the Lord YHWH,
when I will send a famine on the land;
not a famine of bread, or a thirst for water,
but of hearing the words of YHWH.
They shall wander from sea to sea, and from north to east;
they shall run to and fro, seeking the word of YHWH, but they shall not find it.

In this passage YHWH *withdraws* his word. In Isaiah 28, however, YHWH does not withdraw, he rather reveals himself in an incomprehensible and unrecognizable form, in such a way that it will cause the people "to fall backward, and be broken, and snared, and taken."

the people's rejection of the torah. It is *YHWH's response* to it. The rejection of the torah is extensively described in the preceding chapter, in Isa 5:1–7 and especially in the series of hoy-oracles in 5:8–24. Since the people did not want to listen to the torah, YHWH will now utter words that the people will not be able to comprehend, even if they were to listen. And that will cause their destruction.

Isa 6:9, Isaiah's commission to go and say to this people, "Keep *looking* but do not *understand*," is very precisely YHWH's response to the people's ironic demand in 5:19 that YHWH may hasten and make speed his work "that we may see (*nir'eh*) and that we may know (*nēdā'ā*)." YHWH will fulfill this demand, but differently from what the people expected: As proclaimed in 6:9, they will keep looking but they will *not* understand (*rē'û rā'ô wē'al tēdā'û*).³⁰

It is YHWH's acting in the guise of the Assyrians that will make YHWH incomprehensible and that will cause the people's destruction; in the guise of the Assyrian attackers, YHWH will not be recognizable as the God of the Israelites, as the God of the saving history, as the God who protects Zion, any more. God will change, God will become strange and that will cause the people's catastrophe.³¹

Isa 8:14–15, a YHWH-speech to the prophet, expresses the same phenomenon of YHWH's unrecognizability:

YHWH Sabaoth . . . will become . . . a stone one strikes against; a rock one stumbles over—a trap and a snare for the inhabitants of Jerusalem. And many among them shall stumble; they shall fall and be broken; they shall be snared and taken.

In the march of the Assyrians against Israel and Judah, it is *YHWH* who will be acting with the people in an incomprehensible and scandalous way. YHWH will become a stone one strikes against, a trap and a snare (Isa 8:15). This is YHWH's "strange work" (Isa 28:21). In this prophetic view of history, the coming of the Assyrians stands in a direct connection with the people's violation of the torah.

As demanded by the people in 5:19 (*yēmāhēr yāḥîšâ ma'ašēhû*), YHWH *will* speed YHWH's work and make it haste. In Isa 8:1–4,

³⁰ Isa 6:5 takes up the talk of sin and iniquity of 5:18. Isaiah's confession "that he is a man of unclean lips who lives among a people of unclean lips," refers clearly to the manifold forms of the breach of justice and righteousness described in Isaiah 5. Isa 5:18 and 6:5 are the only two passages in Isaiah 1–39 in which the pair *sin and iniquity* appears.

³¹ Cf. Roberts, *ibid.*, 139–140.

Isaiah's son *Mahēr Šālāl Haš Baz* stands for this strange work of YHWH. This name is YHWH's response to the people's demand in 5:19 and in itself uncomprehensible. It is a sign that anticipates the destructive coming of the *Assyrians*. YHWH's work (5:19) will be the *Assyrians'* speedy and hastening carrying away the spoil of Samaria.

It makes sense to date Isaiah's vision and commission to the year of Uzziah's death, as indicated in 6:1. Tiglathpileser had acceded to the throne in 745 BCE. In the year of Uzziah's death, either 740 or 738, the Assyrians' drive to the west had already become a menacing reality. The three dimensions of history, seen as propelled by Israel's violation of justice and righteousness,—Israel's self-destruction, YHWH's sending of the Assyrians against Israel, and YHWH's sending of Isaiah as a messenger from the divine council in order to address the crisis—represent the complex prophetic assessment of the forces that determine the course of history at the time of king Uzziah's death (6:1). In this situation Isaiah has the vision of the king of the universe who is ready for judgment.³²

3.7 OUTLOOK: ISAIAH'S ROLE IN THE UNFOLDING OF HISTORY

As the announcements of judgment in 5:5–7 and 5:25–30 demonstrate, Israel's violation of justice and righteousness will have far-reaching implications. It will lead YHWH to send a foreign army to destroy Israel and Judah. Isa 5:5–7 and 5:25–30 indicate that the constellation of the Syro-Ephraimitic crisis, to which Isaiah refers in chapters 7 and 8,—Israel's attempt to force Judah into an anti-Assyrian alliance—can be understood adequately only in the framework of the larger historical dynamic that Isaiah describes in chapter 5. The announcement of judgment against Judah in 7:18–25 explic-

³² This interpretation of Isa 6:9–10, according to which Isaiah points in a veiled way to YHWH's acting in the guise of the Assyrians, implies that the notion of YHWH's "strange work" does not, as is commonly assumed, originate in the late period of Isaiah's prophetic acting. It rather is already entailed in the very commission that Isaiah is given in 6:9–10. Isa 6:9–10 thus denotes the very center of Isaiah's prophetic message. This also forces one to question the existence of a Isaianic *Denkschrift*, since this theory bases itself on the interpretation of Isa 6:9–10 as a proclamation of *salvation* and sees Isaiah 6 as closely related to chapter 7. In my view, in contrast, Isaiah sees the Syro-Ephraimitic war as an *episode* that is subordinated in its significance to the larger historical process of the Assyrians' drive to the west, a threat that is ultimately rooted in Israel's and Judah's *violation of the torah* (Isaiah 5).

itly renews and concretizes the still general announcements of the devastation of the land given in 5:5-7 and 5:25-30. In the presentation of history given in Isaiah 5-8, the Assyrian threat has a theological rationale: It is *YHWH's* action against Israel and Judah in response to their violation of the torah. The Syro-Ephraimitic crisis is only an episode in the realization of YHWH's plan. This plan is fulfilled in YHWH's own attack against Jerusalem (29:1-8). This is YHWH's "strange work" (Isa 10:12 and 28:21).

The whole narrative of Isaiah 1-39 is about the realization of the commission given to Isaiah in the vision in Isaiah 6. YHWH addresses the crisis caused by the violation of the torah by sending the prophet Isaiah as the messenger from the divine council. On the one hand, Isaiah and his children are to be signs and anticipations from YHWH that anticipate the Assyrian invasion (8:18).³³ YHWH will respond to the people's challenge to "*hasten* his work that we may see," and to "*speed* his plan so that we may know" (5:19), in one of Isaiah's children with the name "*Haste-Booty-Speed-Prey*" (8:1-4). This name is incomprehensible, and the historical reality that it anticipates, the Assyrians' carrying off the booty of Samaria (8:4), is likewise incomprehensible for the people. They will hear but not understand, and see but not comprehend (6:9b). As signs from YHWH, Isaiah's children signal that *YHWH* acts in the guise of the Assyrians against Israel and Judah. That is, not the Assyrians but *YHWH* fights against the people's evil. This incomprehensible agency of God causes the people "to fall backward, to be broken, and snared, and taken" (8:15). At the same time, the sending of Isaiah as a messenger from the divine council indicates that YHWH is present not only in the Assyrians but also in the prophet Isaiah. In the person of the prophet Isaiah, YHWH anticipates the attack of the Assyrians and is, at the same time, exposed to their attack. Isaiah's commission has the ultimate goal to overcome the crisis caused by the violation of justice and righteousness. In the person of the prophet Isaiah, YHWH combats and overcomes the evil precisely by yielding to it. This is the *strange* acting of YHWH that brings about the destruction of Jerusalem and that will, ultimately, restore justice and righteousness. Ultimately this restoration of justice and righteousness will be brought about by the "servant of God" who, *through his suffering*, brings forth *justice and righteousness* for all nations (cf. 2:2-4 with 51:4-5 and 52:13-53:12).

³³ Cf. Isaiah 20.

These three aspects—the people’s self-destruction, YHWH’s sending of a foreign army against them, and the commission given to Isaiah—belong closely together. From different perspectives, they describe the deeper dimensions of the same historical dynamic. Only for the prophetic view of history are these dimensions visible. This prophetic view of history is able to grasp the deeper dimensions of the forces, causes, and connections that propel the *real* process of history but that are invisible for a view of history as the history of facts. For a superficial glance the historical process manifests itself simply as the onslaught of the Assyrians. The reasons for this onslaught are unknown. The prophetic view of history penetrates the shroud that covers the political constellations. The prophetic view of history implies that Israel’s *violation of justice and righteousness* has consequences with universal dimensions. It distorts the balance of the universe. It constitutes a crossing of the boundaries set for finite human existence. This crossing of boundaries is the sin that leads to historical catastrophes. Isaiah’s prophetic view of history presents a complex picture of the unfolding of history. History unfolds according to the way Israel gets into contact with the power that is beyond its control. Israel’s violation of the torah, of justice and righteousness, distorts the balance of the universe. YHWH, the universal Lord of history, commands the Assyrian attack against Israel and Judah because of this violation. In the end, the people’s violation of justice and righteousness threatens the divine council itself. That is why the assembly has to be convened and a messenger to be found. In YHWH’s overcoming of the evil of the people, the prophet Isaiah himself plays a crucial role. Isaiah is YHWH’s messenger.

3.8 INTERMEDIATE REFLECTION: YHWH’S ACTING AGAINST EVIL

In the following we will not concern ourselves with Israel’s writing of history but with the one belief on which the biblical view of history is based, namely, that YHWH *acts* in history. YHWH’s agency is always directed against evil in all its forms. So far we have seen that YHWH’s acting was directed against God’s own people because *they* were the agents of evil, though in the end, in the person of the prophet Isaiah, YHWH overcomes this evil paradoxically only by yielding to it (Isa 52:13–53:12). YHWH always acts in order to

deliver God's people from evil. Israel claims to have experienced God's agency in its being rescued from death and situations of distress.

The *individual complaint psalms* testify to the belief in divine agency in current reality, which is no other acting than that which expresses itself in Israel's belief that YHWH acts in history and creation. We will focus especially on the psalmist's change of mood from complaint to joy in Psalms 3, 6 and 7. We will demonstrate that divine acting in Psalm 7 cannot be reduced to the working of a social institution that is administered by human beings. It will be one goal to show that the overcoming of the psalmist's enemies in Ps 7:13-17 is the effect of the judicial *agency* of YHWH. In Psalm 7 and in related Assyro-Babylonian prayers to the divine judge, the acting of God is directed against evil. Likewise, the acting of God from *beyond* the world, the power of the divine assembly, and the human self-understanding as a radically finite creature, play a crucial role. In analyzing these texts, we will see what it means that the biblical claim that YHWH acts in history and creation is *realistic*.

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PART TWO

GOD'S AGENCY IN RESPONSE TO PRAYERS:
THE PSALMIST'S CHANGE OF MOOD IN
PSALMS 3, 6, AND 7

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CHAPTER FOUR

DIVINE ACTING AND THE PSALMIST'S CHANGE OF MOOD FROM LAMENT TO JOY IN PSALMS 3 AND 6

4.1 INTRODUCTION: HOW DOES THE PSALMIST'S CHANGE OF MOOD FROM LAMENT TO JOY OCCUR?

In a number of psalms of complaint of the individual¹ the petitioner's mood changes from lament to joy in the psalm of complaint itself; this mood-change comes almost suddenly.

In Ps 3:8a α , the petitioner appeals to YHWH: "Rise up, O YHWH! Deliver me, O my God!" Immediately following this appeal the psalmist states the deliverance as having occurred: "For you have struck all my enemies on the cheek; you have broken the teeth of the wicked" (v 8a β .b). The psalmist first utters his complaint; now he praises YHWH for having delivered him. What has occurred in the meantime?

In Psalm 6, the psalmist's *lament* ends as follows: "My eyes waste away because of grief; they grow weak because of all my foes" (v 6). In the next verse the mood of the petitioner is changed. He or she² addresses the enemies:

¹ According to Gunkel-Begrich's *Einleitung in die Psalmen* (Göttingen: Vandenhoeck & Ruprecht, 1985) 185, there are 39 individual complaint psalms in the Psalter, namely, Pss 3, 5, 6, 7, 13, 17, 22, 25, 26, 27:7-14, 28, 31, 35, 38, 39, 42-43, 51, 54, 55, 56, 57, 59, 61, 63, 64, 69, 70, 71, 86, 88, 102, 109, 120, 130, 140, 141, 142, 143.

² Erhard S. Gerstenberger addresses the question whether the psalms were spoken only by men or also by women: "There is nothing comparable to the female voice in the Canticles recognizable in the Psalter. Grammatically speaking, the 'I' psalms could have been spoken by women, because the first-person form of the verb is not gender-specific. But there is hardly a chance that those psalms were used in that way. Distinctively female topics are all but lacking in the texts themselves . . . We conclude, therefore, that in the light of the Psalter religious ceremonialism in Israel was a matter for men only. Women's prayer at the most was a very private affair (1 Sam 1:9-18; 2:1-10), but there is evidence for a domestic female cult (cf. Jer 44:15-19)." (Cf. E. Gerstenberger, *The Psalms Part I* [FOTL XIV/1; Grand Rapids: Eerdmans, 1988] 32). As Gerstenberger stresses, the "I" psalms *could* have been spoken by women. Babylonian incantation prayers to which Gerstenberger compares the individual complaint psalms were indeed spoken by men *and* women. In one prayer to Shamash, the judge (see Benjamin R. Foster,

Depart from me, all you workers of evil,
 for YHWH has heard the sound of my weeping.
 YHWH has heard my supplication; YHWH accepts my prayer.
 All my enemies shall be ashamed and struck with terror;
 they shall turn back, and in a moment be put to shame (vv 9–11).

The petitioner of Psalm 7 is being persecuted by enemies. Declaring his innocence (vv 4–6), he initiates a lawsuit. He appeals to YHWH, *the judge* of the universe (vv 7–12) who is acting in heaven, in the height (*mārôm* v 8):³ “YHWH judges the peoples; judge me, YHWH, according to my righteousness” (v 9a).

Following this appeal to the court, which culminates with a hymnic praise of YHWH, the righteous judge, the petitioner’s perspective changes. The enemies’ ongoing attack is suddenly aborted (vv 13–17). Their weapons turn against themselves and effect their self-annihilation: “He (the enemy) has made a pit and dug it out, but he fell into the hole that he was making” (v 16). In the wake of this self-destruction of the enemies, the petitioner’s change of mood occurs, and he promises to praise YHWH according to God’s righteousness and to sing to the name of the Most High (v 18).

How does the psalmist’s change of mood from lament to joy in these three psalms come about?⁴ Is it the outcome of YHWH’s agency? Or are the enemies to be taken as simple psychological projections of the petitioner’s anguish and fear and his change of mood a psychologically explainable inner process?⁵ But the psalmists thank

Before the Muses. An Anthology of Akkadian Literature [Bethesda, MD: CDL Press, 21996] 637), the petitioner hymnically praises Shamash: “You judge the case of the oppressed man and woman, you administer their verdicts” (line 10). This implies that also women presented their cases to Shamash, the judge. There is no reason why this should have been different in Israel. Recent research has attempted to understand specific complaints of the individual as prayers spoken by women (see Ulrike Bail, *Gegen das Schweigen klagen. Eine intertextuelle Studie zu den Klagepsalmen Ps 6 und Ps 55 und der Erzählung von der Vergewaltigung Tamars* [Gütersloh: Gütersloher Verlagshaus, 1998]. Cf. also Patrick D. Miller, *They Cried to the Lord. The Form and Theology of Biblical Prayer* [Minneapolis: Fortress, 1994] 233–243 and 233 n. 1). In the following, therefore, in reference to the psalmist, the 3. pers. masc. and fem. will be used alternatingly, except for those cases where the petitioner is unmistakably the king.
³ *mārôm* is the term for YHWH’s heavenly abode. See Isa 33:5; 57:15; Ps 102:20; Ps 18:17//2 Sam 22:17; Ps 144:7.

⁴ Cf. also Ps 13:7; 22:23–32.

⁵ There are proposals that explain the petitioner’s change of mood *psychologically*. Cf. exemplarily Friedrich Heiler, *Das Gebet* (5th ed. Munich, 1923), 379f: “The pressing, apathetic emotion, the urgent desire turns into, indeed it jumps to the pleasant mood of comfortedness and composedness, of hope and confidence; the feeling of insecurity and instability is replaced with the happy awareness of being shielded and sheltered in the hand of a protective higher power.”

YHWH for their deliverance. How does *YHWH* interfere in the life of the psalmist and lead him or her from weeping to joy? What has *YHWH* done to rescue the psalmist?

There are two current proposals to explain the change of mood in the individual complaint psalms. According to one proposal, a cultically mediated oracle of salvation accounts for the psalmist's change of mood (J. Begrich, W. Beyerlin, E. Gerstenberger). According to the other, semantic structure and metaphorical language of the psalms of the individual account for the move from sadness to joy, since a dynamic tension between Sheol and temple, divine absence and presence is inherent in it (M.R. Hauge, F. Lindström).

What causes the psalmist's surprising change of mood? What leads him or her from lament to joy? In the following, we will argue that the psalmists' confession in their songs of thanksgiving to have experienced *YHWH's mighty deed* has a realistic background. They experience the creative power of *YHWH's word* that is "like fire and like a hammer that breaks a rock in pieces." It is *YHWH's mighty deed*, it is the powerful word of *YHWH* the creator that causes the psalmists' change of mood and their change of status. It is really *YHWH* who *heals* the ill and *liberates* the psalmists from their distress. This divine action is complex and has a distinct outlook in each psalm. Its shared feature is that it has a *universal* dimensionality; it cannot be equated with human action, the functional framework of a specific social setting, or the literary structure of the text. How does God's word, apart from giving the psalmist comfort and new hope, change the *reality* of the petitioner? How does God's word overcome the enemies and rescue the psalmist out of their hands? That is the question we will be pursuing in the following.

4.2 METHODOLOGICAL ISSUES

Recent scholarship on the psalms has focused on the psalms as a literary work, as a book.⁶ In this hermeneutical context, individual psalms are analyzed with regard to their literary setting in the *book*. What is of interest are the intertextual connections between psalms and groups of psalms.⁷ The textual world of the book of Psalms con-

⁶ See exemplarily F.L. Hossfeld/E. Zenger, *Die Psalmen* (Würzburg: Echter, 1993); Matthias Millard, *Die Komposition des Psalters. Ein formgeschichtlicher Ansatz* (FAT 9; Tübingen: Mohr Siebeck, 1994).

⁷ This approach has proved to be very fruitful and has produced important

stitutes the reference of the prayers. As a consequence, however, the *realistic* dimensions of these prayers are lost from sight. The theological question of how YHWH overcomes the enemies is reduced to the consistency of the biblical statements in the innertextual world of the Psalms. In contrast, we will ask for the truth of the semantics of the psalms. Methodologically, we will, in the following, use the form-critical method rather than a purely literary approach.

The reference-system that we will use to understand the texts is not, however, as in previous reference-oriented interpretations of the psalms, constituted by *social institutions*. In an institutional reference-system, *God's* agency is necessarily replaced with *human* acting, since only *human beings* act in the context of social institutions. When used to interpret the notion of *divine* agency, an institutional reference-system turns out to be reductionistic. The reference-system in which the talk of *God's* agency has its legitimate place is *universal*; its horizon is the *creation*. The realistic dimension of the psalms' universal reference implies that God the creator, to whom the texts *refer*, has a *real* existence. This has *anthropological* implications. Human beings are *creatures* who are exposed to all the forces and powers in the creation.⁸

The form-critical approach taken in the following further implies that it is not possible to reconstruct the setting in life of individual psalms on the basis of prose texts from outside the psalms. Rather, only on the basis of the comparison of these artistic poetic units with texts of the same genre, that is, with prayer literature, will it be possible to grasp the setting of individual psalms. Structurally and semantically, the Assyro-Babylonian incantation literature is closely related to the biblical individual complaint psalms. Thus, the comparative method will play an important role in this investigation.⁹

insights. In fact, the intertextual aspect cannot be neglected. However, it is only one aspect that should not be absolutized.

⁸ For the concept of *reality* implied here, which is neither *ontological*, *ideal* or *empirical*, see M. Welker's concept of a realistic theology (*Gottes Geist. Theologie des Heiligen Geistes*, 49–57; idem, *Schöpfung und Wirklichkeit*). Cf. also W. Schweiker, "Power and the Agency of God," *TToday* 52 (1995) 204–222. Schweiker's notion of reality is very concrete. He compares "the connection among agency, power, and value in beliefs about reality found in technological societies and the biblical texts" (205). Schweiker calls this the "moral ontology" of a given society. The biblical texts imply, according to Schweiker, "a construal of reality that centers on the agency of God and thereby structures or forms the moral self-understanding of that society" (207). See also Chr. Schroeder, "Gerechtigkeit und Macht. Ansätze des nordamerikanischen Forschungsprojekts 'Bible and Theology' zur Neukonzeption einer Biblischen Theologie," *JBTh* 11 (1996) 183–196, esp. 193–196.

⁹ A prime example for the fruitful application of the comparative method that

In the following, we will first, in a more or less detailed fashion, present the two current proposals to explain the psalmist's change of mood, analyzing them critically. We will then present our own interpretation of the change of mood in Psalms 3 and 6 in terms of the psalmist's response to the realistic dimension of YHWH's acting. After that, the main focus will be on the interpretation of YHWH's role as *judge* in bringing about the psalmist's change of mood in Psalm 7.

4.3 THE CULTICALLY MEDIATED ORACLE OF SALVATION

4.3.1 *The Priestly Oracle of Salvation (Joachim Begrich)*

Joachim Begrich explained the "Stimmungsumschwung" in the psalms¹⁰ on the basis of the assumption that YHWH responded to the petitioner's lament by giving him or her an oracle of salvation, mediated by a priest at the sanctuary:¹¹

Once an individual, having uttered his complaint before YHWH in the sanctuary, has exhausted his laments and petitions, a priest comes onto the scene; perhaps on the basis of a divine answer to a sacrifice he turns to the petitioner, giving him an oracle from YHWH. Referring to the complaints and petitions, he assures him of the answer and help of his God.¹²

On the basis of his analysis of the oracles of salvation in Second Isaiah, noting that these oracles seem to respond to the complaints of the individual, Begrich concluded that the genre of the oracle of salvation had its original place in the cultic sphere and that Second Isaiah adapted it to express his message of comfort and consolation to the Israelites in exile. Begrich postulated that an oracle of salvation was announced to the psalmist of Psalm 3 *after he had uttered his complaint in vv 1–8a*, V 8b being the psalmist's response to this oracle. Similarly, in Psalm 6, after uttering his complaint in vv 1–8, the

has inspired the following investigation in decisive ways, in that it pays close attention to the semantic, stylistic, and theological peculiarities of poetic texts, is J.J.M. Roberts, "The Motif of the Weeping God in Jeremiah and Its Background in the Lament Tradition of the Ancient Near East," *Old Testament Essays* 5 (1992) 361–374.

¹⁰ The passages in question are Ps 3:8; 6:9–11; 7:13–18; 22:23–32; 36:13; 57:7.

¹¹ J. Begrich, "Das priesterliche Heilsorakel," *ZAW* 52 (1934) 81–92. See also H. Gunkel, *Einleitung in die Psalmen. Die Gattungen der religiösen Lyrik Israels* (Göttingen: Vandenhoeck & Ruprecht, 1933) 243–247.

¹² Begrich, "Das priesterliche Heilsorakel," 82.

petitioner received an oracle of salvation, which would explain his subsequent change of mood in vv 9–11.¹³ After hearing the oracle, the psalmist would have concluded the prayer in the changed mood that Ps 3:8aß.b, Ps 6:9–11, and Ps 7:18 reflect. YHWH *acts*, in this context, through the divine *word* that is mediated by a priest at the sanctuary. The oracles themselves, argues Begrich, were lost in the process of transmission of the psalms.

For Begrich, the *cultic* structure of “complaint—divine response—thanksgiving and praise” informs the petitioner’s change of mood from complaint to joy. He conceived it to be constitutive for the setting of all psalms of complaint of the individual. After Begrich, the question *where* the petitioner received the oracle of salvation was debated, whether in the temple or in the private sphere, not, however, the assumption that the *oracle of salvation* accounted for his change of mood.

4.3.2 *The Ordeal at the Temple (Walter Beyerlin)*

Walter Beyerlin analyzes a subgroup of the psalms of individual complaint, namely, those with juridical language,¹⁴ among which he counts Pss 3, 4, 5, 7, 11, 17, 23, 26, 27, 57, 63.¹⁵ The crucial question, “how YHWH delivered the oppressed in the enemy-psalms” is solved by Beyerlin with the help of the institution of the *ordeal*. “Trial by ordeal is an appeal to divine judgment to decide otherwise insoluble cases that cannot be allowed to remain unsolved.”¹⁶ According to Beyerlin, the petitioners of the psalms with juridical language are being *accused* of a crime. Since this crime cannot be solved by the local court of the village, their accusers take the psalmists to the temple and subject them to an ordeal. In this judicial context the petitioner uttered his prayer, claimed his innocence, and urged YHWH to rescue him or her. According to Beyerlin, a theophany at dawn

¹³ Similarly, in Psalm 36, the final v 13 was, according to Begrich, the psalmist’s reaction to an oracle of salvation, announced to him right before.

¹⁴ W. Beyerlin, *Die Rettung der Bedrängten in den Feindpsalmen der Einzelnen auf institutionelle Zusammenhänge untersucht* (FRLANT 99; Göttingen: Vandenhoeck & Ruprecht, 1970).

¹⁵ The criteria for establishing such a subgroup of psalms with juridical language are arbitrary. As will be demonstrated further below, the setting in life to which all these prayers are supposed to refer, does not have a textual basis. Beyerlin maintains that an additional number of psalms of individual complaint refer to this setting in a *spiritualized* form: Pss 9–10, 12, 25, 54, 55, 56, 59, 62, 64, 86, 94, 140, 142, 143. See Beyerlin, *Die Rettung der Bedrängten*, 18–37.

¹⁶ Tikva Frymer, “Art. Ordeal,” *IDBSup* 638.

transmitted the divine judicial decision in oracular form to the priests officiating at the court. The psalmist's change of mood occurred as his or her reaction to the favorable judicial verdict. The temple-personnel's subsequent execution of the divine oracular verdict, namely, the punishment of the accusers, accounted for the psalmist's experience of rescue, and in response to this acting, the psalmist promised to praise YHWH (Ps 7:18).

4.3.3 *Private Piety and the Ritual Expert's Oracle of Salvation* (Erhard Gerstenberger)

According to Erhard Gerstenberger, the petitionary psalms of the individual were not necessarily spoken in the temple and did not rely on institutional procedures available there,¹⁷ but have as their setting the *private* situation of distress, the very occasion where the distress occurred.¹⁸ In this very situation the petitioner utters his complaint and waits for an answer from YHWH. Gerstenberger compares the individual complaint psalms to Babylonian incantation-rituals. These rituals were not part of the *official* but of the *private* cult and took place in the supplicant's home or at a place that could easily be prepared for such a ritual ceremony.¹⁹ A ritual expert (*āšīpu*: incantation-priest) enacts a ritual for the petitioner, in the course of

¹⁷ E.S. Gerstenberger, *Der bittende Mensch. Bitritual und Klagelied des Einzelnen im Alten Testament* (WMANT 51; Neukirchen-Vluyn: Neukirchener, 1980). Gerstenberger analyzes, in a necessarily very broad and general form, the setting of the *genre* of individual complaint and the general anthropological structures that are formative for the setting of prayer and petition; he does, therefore, not analyze individual psalms.

¹⁸ Klaus Seybold, *Das Gebet des Kranken im Alten Testament. Untersuchungen zur Bestimmung und Zuordnung der Krankheits- und Heilungspsalmen* (BWANT 99; Stuttgart: Kohlhammer, 1973) had equally argued that the psalms of illness are spoken on the sickbed, rather than at the sanctuary. This has been confirmed by Hector Avalos, *Illness and Health Care in the Ancient Near East. The Role of Temple in Greece, Mesopotamia, and Israel* (HSM 54; Atlanta, GA: Scholars, 1995). Avalos shows that concerns of cultic purity would not have allowed the ill to come to the temple.

¹⁹ The basic polar structure emerging from Gerstenberger's analysis of the social setting of individual complaints is that between *private* and *public* sphere, between exclusion and community. An implication of this analysis is that institutional procedures (Beyerlin) do not seem to account for the psalmist's experience of rescue. The psalmist, who has fallen out of the cultic community with YHWH and the people, utters his or her complaint in the private sphere. Only *after* having experienced the rescue from the distress, the psalmist enters the temple, in order to thank YHWH for his or her deliverance, to proclaim YHWH's deed to the community, and to experience his or her reintegration into the cultic community through the festive meal of the *todā*.

which he addresses Shamash, the supreme judge of the gods, and Ea and Marduk, the gods of magic and wisdom, urging them to rescue the supplicant from his distress. According to Gerstenberger's interpretation, the divine response to the supplicant's prayer was transmitted to him in the form of an *oracle of salvation*.

Gerstenberger maintains that the individual complaint psalms reflect a similar setting.²⁰ The small group supported the psalmist and performed the ritual of petition for him.²¹ The supplicant experienced his rescue very concretely through the oracle of salvation to be proclaimed by a ritual expert.²²

These three proposals go together in arguing that the *oracle of salvation* causes the psalmist's change of mood; they differ regarding the setting of the prayer, the cause of the petitioner's distress, and the circumstances of his liberation.

4.4 THE TEMPLE-THEOLOGICAL DYNAMIC OF DIVINE ABSENCE AND PRESENCE

The other proposal to explain the psalmist's change of mood departs from a completely different consideration. It starts from the insight that YHWH's relation to his *temple* is characterized by a dynamic of presence and absence. The connection between YHWH's absence and the invasion of the forces of evil characterizes YHWH's relationship to the *temple* and to the *people*. In Jer 12:7–8 YHWH declares:

- 7 I have forsaken (*āzabtī*) my house,
I have abandoned (*nāṭaštī*) my heritage;
I have given the beloved of my heart
into the hands of her enemies.
8 My heritage has become to me like a lion in the forest;
she has lifted up her voice against me—therefore I hate her.²³

²⁰ *Der bittende Mensch*, 64–112. Gerstenberger has attempted to reconstruct, in analogy to the Assyrian and Babylonian rituals of petition, the ritual ceremony of petition in the course of which the psalmist uttered his or her complaint (ibid., 113–160). Gerstenberger's comparison of Babylonian incantations and individual complaint psalms will be taken up in the course of this investigation.

²¹ "Any primary group protects its members. If there are threats to the life of one person, a small, tightly knit community will try to save the afflicted one for his own sake and for the sake of the group. In Israel, as elsewhere in the ancient Near East, complaint ceremonies were the last resort for bringing about the recovery of an ill-fated member of the group" (*Psalms Part I*, 57).

²² Gerstenberger, *Der bittende Mensch*, 151.

²³ This notion is structurally parallel to the theology of the presence of the divine

The withdrawal of divine presence from the temple leads to the invasion of the enemies (v 7b). In the psalms of the individual this dynamic of divine presence and absence reflects itself on the anthropological level.²⁴ Using different terminology, one could say that the dynamic of divine presence and absence reflects itself in the notion

image in the city and its temple, as it is reflected in the Erra-epic. When Erra proposes Marduk to have his precious image refurbished and thus to leave "Esagila, the palace of heaven and earth" (I:125), Marduk responds:

Once long ago indeed I grew angry
indeed I left my dwelling, and caused the deluge!
When I left my dwelling,
the regulation (*šiptu*) of heaven and earth disintegrated:
The shaking of heaven meant:
the positions of the heavenly bodies changed, nor did I restore them.
The quaking of netherworld meant:
the yield of the furrow diminished, being thereafter difficult to exploit.
The regulation (*šiptu*) of heaven and earth disintegrating meant:
underground water diminished, high water receded.
When I looked again, it was a struggle to get enough (I:132-137).

(Translation: Benjamin R. Foster, *Before the Muses. An Anthology of Akkadian Literature* [Bethesda: CDL Press, ²1996] 764). As soon as the statue of Marduk has been removed from its abode, the forces of chaos and destruction break in and the whole universe is in disbalance. There is a structural analogy between Marduk's relationship to his dwelling in Esagila and the personal god's relationship to the human body. The personal god's relationship to the human body is a microcosmos of what happens in the realm of history; it is a microcosmos of the city-state. The Akkadian term translated above as "regulation" is *šiptu*. It corresponds to the Hebrew root *šāpaṭ*. Psalm 67 and Ps 96:10-13 seem to reflect the same theology of divine presence in the temple/creation that characterizes the Erra-Epic; YHWH's *coming* to judge (*šāpaṭ*) the earth has benevolent consequences for the whole creation (Ps 96:10-13). For God's coming to the temple as the center of the creation, cf. also Psalm 24.

²⁴ This is the fundamental thesis of Fredrik Lindström, *Suffering and Sin. Interpretations of Illness in the Individual Complaint Psalms* (ConBOT 37; Stockholm: Almqvist & Wiksell International, 1994). Lindström interprets the overcoming of the crisis of divine absence in what he calls "temple theological" terms. The Jerusalem temple and its liturgy are the sphere of the presence of YHWH. The distressed psalmist structures his suffering with the help of the experiences he made with divine presence in the temple. It is his goal to gain a renewed access to the experience of YHWH's presence in worship and liturgy in the temple. For a summary of the "temple theological understanding of life" that reflects itself in the individual complaint psalms, see *ibid.*, 93-97. From a different methodological angle, Martin R. Hauge comes to a similar result. The crisis of the I, namely, the psalmist's stay in the realm of Sheol, is solved when he or she enters the temple (Psalm 23) (*Between Sheol and Temple. Motif Structure and Function in the I-Psalms* [JSOTSup 178; Sheffield: Sheffield Academic Press, 1995]).

In some individual complaint psalms the interpretation of human existence in terms of Jerusalem temple theology indicates that there is a structural analogy between divine presence in the *temple* and divine presence with the *human individual*. The individual human not only *shares* and participates in the presence of YHWH in the temple. Rather, he or she is a microcosmos who experiences in his or her

of human beings as divine statues (cf. Gen 1:26–28 and Ps 8) that are inhabited or abandoned by the deity. The psalmist is described as being given YHWH's glory (*kābôd*; Ps 3:4, 8:6), strength (*ʿōz*; Ps 28:7, 31:3.5), and righteousness (*sedeq*; Ps 7:18). Since the king is the divine image par excellence, in Psalm 21 divine gifts (*ʿōz*, *yěšūʿā*, *kābôd*, *hōd wēhādār*) characterize the king as one who lives in YHWH's presence:

- 2 In your strength (*bēʿāzzēkā*) the king rejoices, O YHWH
and in your help how greatly he exults!
- 3 You have given him his heart's desire,
and have not withheld the request of his lips.
- 4 For you meet him with rich blessings;
you set a crown (*ʿāteret*)²⁵ of fine gold on his head.
- 5 He asked you for life; you gave it to him—
length of days forever and ever.
- 6 His glory (*kēbôdô*)²⁶ is great through your help;
splendor and majesty (*hōd wēhādār*)²⁷ you bestow on him.
- 7 You bestow on him blessings forever;
you make him glad with the joy of your presence (*tēhaddēhū ʿet-panēka*).²⁸
- 8 For the king trusts in YHWH,
and through the steadfast love of the Most High
he shall not be moved (*bal-yimmôṭ*).²⁹

own person the same dynamic of YHWH's absence and presence as does the city. In the same way as the Zion hymns Ps 46:8 and 48:4 confess that YHWH "is our refuge" (*mišgāb*), the psalmist in Ps 9:10; 18:3; 59:10, 17, 18; 62:3, 7 confesses YHWH to be his or her refuge (*mišgabbî*). And in the same way as the inhabitants of Jerusalem are confident that the city "shall not be moved" (*bal-timmôṭ*) (Ps 46:6; cf. Ps 46:3, 7; 82:5; 96:10) on account of being the "holy habitation of the Most High" (Ps 46:5), the psalmist in Ps 30:7–8 relates the experience that he cannot be moved (*bal-ʿemmôṭ*) as long as YHWH's presence is with him (Ps 30:7–8):

As for me, I said in my prosperity,
"I shall never be moved (*bal-ʿemmôṭ*)."
By your favor, O YHWH, you had established me as a strong mountain;
You hid your face; I was dismayed (*hayyiti nibhāl*).

Cf. also Ps 13:5: "my foes rejoice because I am shaken (*ʿemmôṭ*)", and further Ps 10:6, 15:5; 16:8; 21:8; 55:23; 62:3; 112:6. As soon as YHWH turns away the divine presence, the psalmist is shaken (*môṭ*) and dismayed (*bāhal*; Ps 30:8; cf. also Ps 6:3, 4, 11). One might wonder whether Jesus' saying in John 2:19, "Destroy this temple, and in three days I will raise it up" is related to this temple-centered anthropology. For the complex semantic interplay between psalms of the individual and hymnic texts of the Zion tradition, see Odil Hannes Steck, *Friedensvorstellungen im alten Jerusalem. Psalmen, Jesaja, Deuterjesaja* (ThStud 111; Zürich: Theologischer Verlag, 1972) 36–43.

²⁵ Cf. Ps 5:13; 8:6.

²⁶ Cf. Ps 3:4; 4:3; 7:6; 8:6; 57:9.

²⁷ Cf. Ps 8:6.

²⁸ Cf. Ps 13:2; 27:9; 30:8; 69:18; 102:3; 143:7.

²⁹ Cf. Ps 13:5; 10:6; 15:5; 16:8; 55:23; 62:3; 112:6.

Usually, the psalmist's lament has three dimensions: "It is directed toward God (an accusation or complaint against God), toward other men (a complaint against an enemy), and toward the lamenter himself (I-lament or We-lament)."³⁰ According to temple-theology, the psalmist's *distress* is caused by the *withdrawal* of divine presence. A typical example is Psalm 13.

- 2 How long, O YHWH? Will you forget me forever?
How long will you hide your face from me?
- 3 How long must I bear pain in my soul,
and have sorrow in my heart all day long?
How long shall my enemy be exalted over me?
- 4 Consider and answer me, O YHWH my God!
Give light to my eyes, or I will sleep the sleep of death,
- 5 and my enemy will say, "I have prevailed";
my foes will rejoice because I am shaken.
- 6 But I trusted in your steadfast love;
my heart shall rejoice in your salvation.
- 7 I will sing to YHWH, because he has dealt bountifully with me.

The first two complaints ("How long?") are God-complaints; they ask for the restoration of divine presence (v 2). The following two complaints ("How long?") verbalize the distress of the *self* and the attacks of the *enemy* (v 3). The basic and fundamental distress of the psalmist is his experience of abandonment by God.

In the Assyro-Babylonian religion the human being can be forsaken by his or her *personal* god.³¹ That is when suffering, illness, and death invade the petitioner's body and afflict him or her.³² "The Poem of the Righteous Sufferer" vividly describes the consequences of one's being abandoned by one's personal god:

³⁰ Claus Westermann, "The Role of the Lament in the Theology of the Old Testament," *Int* 38 (1974) 27. Reprinted in *Praise and Lament in the Psalms* (Atlanta: John Knox, 1981) 267.

³¹ See Hermann Vorländer, *Mein Gott. Die Vorstellungen vom persönlichen Gott im Alten Orient und im Alten Testament* (AOAT 23; Neukirchen-Vluyn: Neukirchener, 1975), 68–120 and esp. 91–120 ("Die Abwesenheit des persönlichen Gottes"). Cf. also pp. 245–292 on the notion of the personal God in the biblical psalms of the individual.

³² "The petitioner of the 'prayers to the personal god' experiences himself as being exposed to two spheres of powers that influence his life in decisive ways: On the one side, there is YHWH as his personal God, who gives him life and strength, protection and salvation; on the other side, there are the evil forces, especially demons and sorcerers, which attempt to gain control over him or have already attained it by way of manifold illnesses. The tension between these two poles determines the drama of the individual complaint psalms" (Vorländer, *Mein Gott*, 265).

From the day the Lord punished me,
 And the warrior Marduk became furious with me,
 My own god threw me over and disappeared,
 My goddess broke rank and vanished.
 He cut off the benevolent angel who (walked) beside me,
 My protecting spirit was frightened off, to seek out someone else.
 My vigor was taken away, my manly appearance became gloomy,
 My dignity escaped and lit on the roof.³³

The relation of the personal god to the human being is understood in terms of the *inhabitation* of the personal god in the petitioner.³⁴ As long as the god is present in the person's body, the attacks of evil have no success. Once the god has *abandoned* the person, the vacuum is filled by the forces of evil. That is why the distressed person addresses prayers to his or her personal god asking him or her to *return*.³⁵ Some of the *biblical* complaints of the individual are, in a similar fashion, appeals to YHWH, the personal god, to *return* to the abandoned person. YHWH's abandonment of the psalmist is the primary reason for his suffering.³⁶ The dynamic of divine presence and absence reflects a dualistic world-view: "Apart from the good realm of YHWH, symbolized by the temple, there exists an evil sphere which is as real as the preceding one and with which it, by definition, competes. Only under certain conditions does YHWH have power over this evil sphere of Death."³⁷ This comes very clearly to the fore in Ps 71:11, where the enemies' perspective on the psalmist is reported:

³³ B.R. Foster, *Before the Muses*, 308–323, esp. tablet I:41–49.

³⁴ Cf. *Maqlû* II:16: "She drove away my (personal) god and my (personal) goddess from my person!" (Translation: B.R. Foster, *Before the Muses*, 867).

³⁵ Akkadian *târu*. Cf. Erich Ebeling, *Die akkadische Gebetsserie "Handerhebung" von neuem gesammelt und herausgegeben* (Berlin, 1953) 46:85–87, 134:85–86, 82:11ff. Cf. the psalmist's appeal to YHWH to *return* (*sûb*) in Ps 6:5 and 7:8. Wilfred G. Lambert, "DINGIR.ŠA.DIB.BA Incantations," JNES 32 (1974) 267–322, has edited Assyro-Babylonian prayers to the personal god, the "prayers to appease an angry god" (DINGIR ŠA.DIB.BA). For a recent translation of prayers to the personal god see Benjamin R. Foster, *Before the Muses. An Anthology of Akkadian Literature* (Bethesda: CDL Press, 1996) 627–631; cf. also the "Dialogue Between a Man and his God," (*ibid.*, 78–80).

³⁶ "The sufferer has been given over to the attacks of the sphere of evil because of the unexplained removal of the saving presence of YHWH" (*ibid.*, 111). F. Lindström develops a very broad concept of suffering and illness that is able to encompass most of the individual complaint psalms (*Suffering and Sin*, 24–61). M. Hauge equally avoids a strict categorization and simply speaks of the I-psalms which encompass, however, not only complaints but also psalms of trust like Psalms 23 and 84.

³⁷ *Ibid.*, 94.

"They say, 'YHWH has forsaken (*āzab*) that person, pursue and seize him, for there is no one to deliver.'"³⁸ The difference between YHWH's relation to the temple and YHWH's relation to the psalmist is that, whereas in Jer 12:7 YHWH forsakes the temple because of the evil deeds of the people, in the individual complaint psalms no reason is given for the removal of divine presence from the suffering person. There is no causal connection between suffering and *sin*. YHWH's turning away from the psalmist is unexplainable, even irrational.³⁹

Ultimately, the overcoming of the enemies and the restoration of the petitioner come about through the restoration of YHWH's presence, making the psalmist unattackable and causing the enemies to dissipate. It effects a reversal of the sufferer's situation. YHWH's renewed presence can manifest itself in an oracle of salvation. It can also occur in temple theological terms (Lindström) with the psalmist experiencing anew YHWH's salvific presence in the worship services in the temple.⁴⁰ Hauge argues that "a relationship to a physical temple," could even "be completely irrelevant for the realization of the ideological language, with dwelling in the temple as an expression for a special state of being."⁴¹

Both proposals—the oracle of salvation and the temple-theological proposal—claim to explain the change of mood in *all* individual complaint psalms. According to the first, the petitioner's distress is in all cases remediated through an oracle of salvation. According to the second, the change of mood is always rooted in the psalmist's symbolic spatial reintegration into the sphere of divine presence.

³⁸ See also Ps 22:2; 27:9; 38:22; 71:9,18; cf. Lam 5:20b; Isa 41:17; 49:14; 54:7. Other complaints in the God complaint are that YHWH has forgotten (*sākah*) the psalmist (Ps 42:10), has turned God's face away (*hīstīr panaw*) from the sufferer (Ps 13:2; 27:9; 30:8; 69:18; 102:3; 143:7; cf. Isa 40:27), is hiding (*ha'alīm*; Ps 10:1; 55:2), is standing far off (*āmad bērahōq*; Ps 10:1; *rāḥaq*; Ps 22:12,20; 35:22; 38:22; 71:12), has cast off the sufferer (*nāṭaš*; Ps 27:9; 71:9; *zānah*; Ps 43:2; 88:15; cf. Ps 74:1).

³⁹ F. Lindström stresses this contrast to the Mesopotamian prayers to the personal god.

⁴⁰ Similarly, M.R. Hauge, *Between Sheol and Temple*, sees the restitution of the petitioner as closely connected to his or her entering the temple.

⁴¹ Hauge, *Between Sheol and Temple*, 161 (with regard to Psalm 26).

4.5 CRITIQUE

1. There can be no doubt that the oracle of salvation is a significant way in which YHWH responds to prayers, leading a petitioner to gain new hope.⁴² However, the main problem with this approach is that most psalms simply lack the oracle of salvation. In Psalm 3, the oracle Begrich postulated between vv 8a α and a β .b is missing. Similarly, Psalm 6 is lacking the oracle Begrich postulated the psalmist was given after vv 1–8.⁴³ Further, Manfred Weippert has shown that the oracles of salvation in Second Isaiah do not derive from the *priestly* sphere but that their origin is the *prophetic* proclamation to the king in a situation of political and military uncertainty.⁴⁴

Another problem with the oracle of salvation in the context of the individual complaint psalms is more theological by nature: How do the enemies that threaten the petitioner's life lose their power? If a word proclaimed to the psalmist causes his change of mood, it must have the power to change reality. *The enmity the psalmist is experiencing needs to cease.*⁴⁵ This is the problem Beyerlin addresses. Beyerlin argues that the personnel of the temple punished the enemies. Besides the problem that Beyerlin replaces *God's* agency with the acting of the temple-personnel, there are further grounds for questioning his reconstruction of the setting of the psalms of complaint with juridi-

⁴² See Ps 35:3; cf. also Lam 3:57 and see P.D. Miller, Jr, *They Cried to the Lord*, 135–177.

⁴³ Begrich's theory implies that the psalms as they are transmitted, rather than being coherent poetic units, document two stages of the petitioner's praying to YHWH, stages that reflect the petitioner's changed situation and that were interrupted by a cultic proclamation that the psalm itself, however, has not preserved.

⁴⁴ "Assyrische Prophetien der Zeit Asarhaddons und Assurbanipals," in *Assyrian Royal Inscriptions: New Horizons in literary, ideological, and historical analysis* [ed. F.M. Fales; OAC; Rome, 1981] 71–115). This indicates that the "Fear not"-oracles in some of the psalms (e.g. Ps 35:3) were not spoken by a priest but by a *prophetic* figure. Claus Westermann points out that the oracle of salvation has its undisputed place in the *communal laments*. There, a *prophet* proclaims the oracle of salvation to the people. Once the oracle of salvation is connected with a communal lament, the text thus formed is, according to Westermann, a *liturgy*, and not a *psalm* in the strict sense of the word anymore. Westermann points to Ps 12:6; 85; 60 and to Isa 33:10–13; 60:8–11; 49:22 (*Das Loben Gottes in den Psalmen*, [2nd ed.; Göttingen: Vandenhoeck & Ruprecht, 1961] 46–48).

⁴⁵ Most oracles of salvation in prophetic literature entail the announcement that YHWH will *fight* and *overcome* the enemies. Rather than being just words of comfort, they entail the promise that YHWH will *act* to change the situation. How does YHWH *act* in order to *change* the situation? The oracle of salvation is only a preliminary answer to this more fundamental question about divine agency.

cal language: (1) It is impossible to draw a clear distinction between psalms concerning *legal* distress and psalms of *illness*. The psalmist appealed to the *divine judge* not just in situations of legal distress but also in case of *illness*.⁴⁶ This is inconsistent with Beyerlin's thesis of the ordeal as the setting in life of the psalms with juridical language. (2) The psalmist is not being *accused*; it is rather he who *initiates* the appeal to the divine judge.⁴⁷ This insight questions the theory of a sacral institution of judgment at the temple as the appropriate setting of petitionary psalms with juridical language⁴⁸ and as an adequate explanation for the petitioner's change of mood.

On the basis of the comparison with Assyro-Babylonian incantation-rituals, Gerstenberger has convincingly argued for the *private* setting of the prayers. According to him, the petitioner's change of mood occurred on account of the support from the small group and of the oracle of salvation proclaimed to him. Gerstenberger's general thesis about the private setting of individual complaint psalms is convincing. Though the two main problems with the oracle of salvation remain, namely, its being absent in the texts and the question of how the petitioner experiences a change of reality, his use of the Mesopotamian incantations as a helpful textual basis for a comparison with biblical complaint psalms does pave the way to the solution of these problems: Once one reconstructs the ritual setting of the incantations in the correct fashion, it becomes clear that the oracle of salvation does not have its place in the Assyro-Babylonian incantation-ceremonies to begin with. Gerstenberger interpreted the Babylonian and Assyrian incantation-rituals as *petitionary ceremonies*. He took the ritual acts to be symbolizations of the supplicant's petition and supposed that the *oracle of salvation* was transmitted in response to them. In fact, however, the oracle of salvation is missing in these rituals in the same way as in the individual complaint psalms. In the Assyro-Babylonian religion, the giving of oracles of salvation is the task of the *diviner* (*barû*) rather than that of the *incantation-priest* (*āšipu*). *Āšipu* and *barû* represent two different professions.⁴⁹ The diviner

⁴⁶ See, e.g., 11QPs^a Col 24 lines 3–17 in: J.A. Sanders, *The Psalms Scroll of Qumran Cave 11 [11QPs^a] (DJD IV; Oxford, 1965)*.

⁴⁷ For a detailed demonstration of this argument, see further below.

⁴⁸ See Gerstenberger's discussion of Beyerlin's proposal (*Der bittende Mensch*, 155–6).

⁴⁹ Gerstenberger himself wondered whether the oracle of salvation that was needed for diagnostic purposes, had its place in the queries of the *diviner* preceding the petitionary ritual of the *āšipu* (*Der bittende Mensch*, 151 n. 157).

directs *queries* to the deity to which the deity does, in fact, respond with an *oracle*. The exorcist, in contrast, is concerned with activating the gods to annihilate the evil forces threatening his client.⁵⁰ Rather than *rituals of petition*, to which the ritual expert *responds* with an oracle of salvation, these incantation-rituals symbolically *enact* the petitioner's liberation from the distress.⁵¹ That is the reason why the oracle of salvation is missing in the rituals of the incantation-priest. As we will see, this has important implications for understanding the change of mood from complaint to joy in some *biblical* psalms of the individual. The insight that in the Mesopotamian incantations the petitioner's change of mood is brought about through the exorcist's symbolical enactment of the petitioner's liberation leads to the question of how *YHWH* acts to revert the *psalmist's* situation. In Psalms 7, 57 and 64 likewise, the divine overcoming of the enemies occurs as powerful divine acting *in the course* of the psalm's recitation; *this* causes the petitioner's change of mood.⁵²

2. The notion of divine absence as the fundamental cause of the petitioner's distress (Vorländer, Lindström, Hauge) can serve to explain such metaphors expressing the petitioner's experience as his losing ground under his feet, of sinking in the mire, of drowning in deep waters. With the restoration of *YHWH's* presence, enemies, sickness, and suffering are gone. Many metaphors used in the individual complaint and thanksgiving psalms (e.g., *môt nif.* = to be moved) become clear in the light of the notion of the dynamic of divine absence and presence in the psalmist. Hauge and Lindström take the dynamic of divine absence and presence as a key to *all* individual complaint psalms. However, not in all individual complaint psalms is God's absence the cause of the distress and, correspondingly, the restoration of *YHWH's* saving *presence* the crisis' immediate solution. In the individual complaint psalms, we encounter at least *two different forms*

⁵⁰ Further, in the Babylonian incantation-rituals, the small group does not account for the petitioner's experience of rescue. It does not play a role at all. The ritual is enacted only by the *āšipu* and his client. Cf. Jean Bottéro, "Art. Magie," *RLA VII* 225–227.

⁵¹ Cf. Jean Bottéro, "Art. Magie," *RLA VII* 200–234.

⁵² See Ps 7:13–17; 57:7; 64. Since there are several psalms that do refer to the proclamation of an oracle of salvation (Ps 35:3), these psalms may possibly have to be understood in the context of a *prophetic* figure responding to the complaint. Gerstenberger points to 1 Kgs 14:11ff; 17:17–22; 13:6; 2 Kgs 8:7ff; 5:10; 20:1–11; Num 12:9–14; Job 33:14–30; Isa 38:1–7. (*Der bittende Mensch*, 134–139).

of divine agency. At least two specific forms of divine intervention occasion the petitioner's change of mood.

- 1) There are prayers in which the petitioner expects the solution of his crisis from the restoration of divine *presence* (e.g. Pss 6; 13; 71).
- 2) There are prayers in which the petitioner appeals to YHWH to actively *overcome* the enemies besetting him (e.g. Pss 7; 57; 64). In some of these prayers, the petitioner's change of mood is attributed to YHWH's acting as *judge*.

In the Assyro-Babylonian religion two *genres* of prayers stand for these two forms of divine intervention. 1) Petitioners appeal to the personal god for the restoration of *divine presence*, for the return of the god. They experience the return of the personal god when they regain their health (dingir-ša-dib-ba-incantations).⁵³ Those individual complaint psalms in which the petitioner's distress results from the experience of God's *absence* (e.g. Psalm 13), need, in fact, to be compared to the Babylonian prayers to the *personal* god; they are mainly concerned with the petitioner's being forsaken by his or her personal god or goddess. 2) Petitioners appeal to the gods of justice and wisdom, Shamash and Ea, asking for the annihilation of the enemies besetting them. An incantation-priest enacts the annihilation of the enemies symbolically so that in the course of a ritual the petitioner experiences the liberation from his distress (namburbi-rituals, anti-witchcraft-rituals).⁵⁴ Divine acting occurs differently in prayers that

⁵³ For the prayers to the personal god in the Assyro-Babylonian religion the cause for the god's forsaking him or her is the petitioner's *sinfulness* (cf. W.G. Lambert, "DINGIR.ŠA.DIB.BA Incantations"). In contrast, in the psalms that are directed to YHWH, the *personal* God, and complain about God's *absence*, the divine abandonment of the petitioner is not seen in a causal connection with a *sin* he or she may have committed, as is the case in the Assyro-Babylonian incantations to the *personal* god (DINGIR.ŠA.DIB.BA). Divine wrath and absence is rather seen as something irrational. Some of these psalms urge the deity, as do the Mesopotamian incantations to *Shamash*, to actively *overcome* the evil forces. In these prayers, the notion of human sin does not play a role at all. This indicates that it is problematic to draw a general parallel between the individual complaint psalms and Mesopotamian incantations. Cf. Lindström, *Suffering and Sin*, 8–9.

⁵⁴ Gerstenberger argued for a general parallelism between biblical complaints of the individual and Mesopotamian incantations to Shamash, Ea, and Marduk. This thesis needs to be modified. Only those individual complaint psalms that ask YHWH for an *active intervention* against the enemies (e.g. Pss 3, 5, 7, 12, 17, 35, 42/43, 54–57, 71, 109, 140, 142) may be taken to be parallel to the Mesopotamian incantations to Shamash, Ea, and Marduk and to the way the overcoming of the enemies is enacted in the respective rituals. O.H. Steck, *Friedensvorstellungen im Alten*

appeal to YHWH to *overcome the enemies* and in those that ask for the *restoration of divine presence*.⁵⁵ We will interpret the biblical individual complaint psalms in terms of this distinction. Thus, it becomes clear that the petitioner's change of mood cannot be explained on the basis of *one* solution.

In general, the temple-theological approach argues that the linguistic structure of the text with its dynamic tension between complaint and joy induces the petitioner to experience this tension and its solution. However, does not the text point to a reality that transcends it? It is *YHWH* who integrates the psalmist anew into the sphere of divine presence. How does YHWH do this?

In the following, we will present an interpretation of the psalmist's change of mood in Psalms 3 and 6 that is not based on an institutional setting or on the linguistic structure of the text but that assumes the *realistic* dimension of YHWH's agency and takes the *universal* dimensionality of this agency as its hermeneutical framework.

4.6 THE PSALMIST'S DREAM-ORACLE IN Ps 3:6

Usually Psalm 3 is interpreted as a psalm that is related to the *morning*: After having spent a quiet night, seeing this as proof of God's grace, the psalmist wakes up in the morning (v 6) and directs his appeal to YHWH to defeat his enemies (v 8).⁵⁶ The most difficult problem in Psalm 3 is the tension between vv 5–6 where the psalmist confesses to having experienced YHWH's sustenance and response to his call for help, and v 8 where the psalmist first *appeals* to YHWH to intervene. A further difficulty is the tension within v 8. The psalmist motivates his appeal (v 8aα) by pointing out that the defeat of his enemies *has* already occurred (v 8aβ).

Jerusalem, 39 n. 92, counts among those psalms that ask for the elimination of the enemies Pss 3, 5, 7, 12, 17, 35, 42/43, 54–57, 71, 109, 140, 142.

⁵⁵ It is important to notice that also the songs of thanksgiving vary regarding whether the salvation came through the restoration of divine presence ("the return of the personal god") or through the active overcoming of the enemies (like in the Mesopotamian incantations to *Shamash*). Psalm 9 is a song of thanksgiving that responds to YHWH's acting as judge (cf. Ps 7:18), Ps 40 a song that responds to the restoration of divine presence.

⁵⁶ See E. Zenger/F.L. Hossfeld, *Die Psalmen* (NEchtB; Würzburg: Echter, 1993) 55–58; K. Seybold, *Die Psalmen* (HAT 1/15; Tübingen: Mohr Siebeck, 1996); W. Beyerlin, *Die Rettung der Bedrängten*, 75–84; H.J. Kraus, *Psalmen* (5th ed.; BKAT XV/1; Neukirchen-Vluyn: Neukirchener, 1978) 157–165.

W. Beyerlin interprets Psalm 3 in the framework of the cultic ordeal at the temple.⁵⁷ In this framework, vv 5–6, express, according to Beyerlin, the psalmist's confidence and trust and his gratefulness for having been admitted to the sanctuary. Since this protection was, however, only preliminary, the psalmist expected a final judicial verdict that would grant his innocence and lead to his enemies' punishment. After the night, in the morning, the psalmist was to direct his final appeal to YHWH. According to this interpretation, Psalm 3 is recited after the psalmist has spent a quiet and peaceful night; it is spoken in the morning of the new day. V 8aα is, according to Beyerlin, the psalmist's appeal for YHWH's rescuing intervention: "Rise up, O YHWH! Deliver me, O my God!" In v 8aβ.b he states this help as *having already occurred*: "For you have struck all my enemies on the cheek; you have broken the teeth of the wicked." V 8aβ.b is thus, according to Beyerlin, the psalmist's *response* to an oracle that must have been given to him *after* his appeal in v 8aα.⁵⁸ An oracle of salvation (Begrich⁵⁹) or, as Beyerlin calls it, a *judicial verdict*, must have been proclaimed to the psalmist *between* his uttering his appeal in v 8aα and his stating his enemies' defeat in v 8aβ.b, even though this oracle is not preserved in the text.⁶⁰

In the following, we want to show that Psalm 3 is a psalm of confidence. There is no indication that it is recited in the temple: "The locale cannot have been the temple precinct itself (against Delekat, Beyerlin, et al.), because the supplicant is awaiting Yahweh's help *from* Zion and not *on* Zion (v 5). The ceremony thus must have been more private in nature."⁶¹ The verb *hēqīṣ* in v 6 does not refer to the waking up *in the morning*, as virtually all interpreters assume. Rather, the psalmist's waking up takes place *in the middle of the night* and it occurs because of a dream-oracle that he has been given. In v 6 the psalmist recounts his experience:

⁵⁷ See Beyerlin, *Die Rettung der Bedrängten*, 75–84. Cf. also Seybold, *Psalmen*.

⁵⁸ *Ibid.*, 78.

⁵⁹ Begrich, "Das priesterliche Heilsorakel," 221

⁶⁰ Seybold assumes v 8aβ.b and 9 were added later to Psalm 3. Hossfeld/Zenger object to this solution (*ibid.*, 55) and leave it open how to interpret the tension between v 8aα and 8aβ.b.9. They only point to Ps 22:22 and 36:12f as parallels. Similarly, Kraus is careful and admits not to know how to explain the tension between the two half-verses.

⁶¹ See E. Gerstenberger, *Psalms Part I* (FOTL XIV; Grand Rapids: Eerdmans, 1988) 53. Cf. Hossfeld/Zenger, *Die Psalmen*, 55.

I lay down and slept;
I woke up, for YHWH sustains me.

The reason for the psalmist's waking up is his experience of being sustained by YHWH. Rather than saying that he *slept* quietly on account of YHWH's sustenance, as many interpreters explain this verse,⁶² he says that the experience of this sustenance caused him to wake up. The reason for this could be a *dream* that the psalmist had in the night, a dream that revealed to him YHWH's sustenance.⁶³ *Because* of this sweet vision he woke up in the middle of the night.

Several parallels show that a dream-oracle or a dream-vision lead to one's waking up in the *middle of the night*. It leads to one's waking up and seeing reality with different eyes. In Jer 31:23-25, the prophet reports a vision that he had in the night:

Thus says YHWH of hosts, the God of Israel:
Once more they shall use these words in the land of Judah and in its towns when I restore their fortunes:
"YHWH bless you, O abode of righteousness,
O holy hill!"
And Judah and all its towns shall live there together, and the farmers and those who wander with their flocks.
I will satisfy the weary,
and all who are faint I will replenish.

This is the content of Jeremiah's vision. Jeremiah then continues:

Thereupon I awoke and looked and my sleep had been sweet to me
(*'al-zō't heqîsôti wa'er'eh ūšenātî 'arbâ lî*) (v 26).

Not just in the morning does Jeremiah wake up, but right after the vision (*'al-zō't*), in the middle of the night, because of the content of the vision that YHWH revealed to him in his sleep.

In the simile in Isa 29:8, the sleeper wakes up (*hēqîs*) *on account of what he is dreaming*, not because it is *morning*.

⁶² Cf. Hossfeld/Zenger, *Die Psalmen*, 55 ("eine ruhig verbrachte Nacht, die der Beter . . . als Hinweis auf Gottes Schutz deutet").

⁶³ Cf. for this interpretation S. Mowinckel, *Psalmenstudien I. Awän und die individuellen Klagepsalmen* (reprint; Amsterdam: R. Schippers, 1961) 156. Mowinckel has in mind an incubatory sleep in the sanctuary during which God's sustenance would have been revealed to the psalmist. However, as we will see, dreams are a medium of YHWH's revelation also outside the sanctuary. Cf. also L. Delekat, *Asylie und Schutzorakel am Zionsheiligtum. Eine Untersuchung zu den privaten Feindpsalmen* (Leiden: E.J. Brill, 1967) 51-52.

Just as when a hungry person dreams of eating and *wakes up still hungry*, or a thirsty person dreams of drinking and *wakes up faint, still thirsty*, so shall the multitude of all the nations be that fight against Mount Zion.⁶⁴

The dream that Jacob had at Bethel causes him to *wake up* in the middle of the night. After he had the vision of YHWH and the ladder, and after receiving the renewed promise of offspring and the land,

Jacob woke from his sleep and said, "Surely YHWH is in this place—and I did not know it!" And he was afraid and said, "How awesome is this place! This is none other than the house of God, and this is the gate of heaven." So Jacob rose early in the morning . . . (Gen 28:16–18a)

There is one other passage in Genesis about a dream whose content awakes the dreamer. After he dreamt of the seven fat cows (Gen 41:1–4), the text tells us, "Pharaoh *awoke*. Then he fell asleep and dreamt a second time" (v 4b–5). . . . "Pharaoh *awoke*, and it was a dream. *In the morning* his spirit was troubled, . . ." (v 7b–8a). Here it becomes clear beyond any doubt that the *dream* is the cause of one's waking up. After each of the two dreams Pharaoh wakes up. Later, *namely, in the morning*, he is troubled and calls for his wise men.⁶⁵

The most convincing textual support for this interpretation of Ps 3:6, however, is 11QPs^a Col 24:⁶⁶

- 17 My trust, O Lord, is [before] thee.
I cried "O Lord" and he answered me,
[And he healed] my broken heart.
- 18 I slumbered and slept, (*namtī wē'isānā*)
I dreamt; indeed [I awoke.] (*hālamtī gam heqī'sōtī*)
- 19 [Thou didst support me, O Lord, (*samaktanī YHWH*)
And I will give praise to the] Lord, [my deliverer.]⁶⁷

⁶⁴ The same deceptive character of a dream that causes one to wake up only to see that it was *only* a dream, not reality, is illustrated in Ps 73:20: "They are like a dream when one awakes (*hēqīs*); on awakening you despise their phantoms."

⁶⁵ *qīs* and *yāqas* are always used in the hif'il. This could indicate that it means "to *cause* one to wake up." That is, one wakes up upon being awakened by something. It is thus plausible that in all the passages quoted above the *dream* or the *vision of the night causes* the sleeping person to wake up.

⁶⁶ M. Noth, "Die fünf syrisch überlieferten apokryphen Psalmen," *ZAW* 48, 1930, 1–23; J.A. Sanders, "Two Non-Canonical Psalms in 11QPs^a," *ZAW* 76, 1964, 55–75; idem, *The Psalms Scroll of Qumrān Cave 11 [11QPs^a]* (DJD IV; Oxford, 1965). Delekat, *Asylie und Schutzorakel am Zionsheiligtum*, first pointed out this parallel to Ps 3:6.

⁶⁷ Sanders argues convincingly that "these verses are easily reconstructed on the basis of the Syr. translation and Ps 3:4–6" (*The Psalms Scroll of Qumrān Cave 11*, 73).

The verbs used in v 18 are the same as those in Ps 3:6; only instead of *škb* the verb *nwm* is used. But what is most important is that the psalmist explicitly mentions that *he dreamt* (*hālamtī*) and that *this* is the reason for his waking up (*gam heqīšōtī*). The psalmist wakes up in the middle of the night on account of a vision or a dream that he had while sleeping. The sustenance by YHWH is the content of his dream or vision, and as Jeremiah, who has a pleasant vision, he wakes up upon it. What he has seen in this vision is for him, as it is for Jeremiah, Jacob, and Joseph, *reality*. The normal experience is not that a dream is *just* a dream, as in Isa 29 and in Ps 73:20, but that the message, vision, or oracle that it transmits, will become reality. It is a *sign*.

The psalmist recites Psalm 3 at night, *in response* to the vision that he had in his sleep. It is basically a psalm of confidence and trust. Having awoken with the assurance that YHWH will sustain him, the psalmist describes the enemies that are still surrounding him, giving an account of what they say concerning him (vv 2–3). In vv 4–5 he expresses his confidence, confessing YHWH to be his “shield” and his “glory” who in fact answers to his cries for help. In v 6 then, the center of the prayer, the psalmist recounts the experience of sustenance that made him wake up. It encourages him not to be afraid “of ten thousands of people who have set themselves against me all around.” This also explains the “tension” between v 8aα and v 8aβ.b. In his experience of YHWH’s sustenance (v 6), the psalmist had “seen” his deliverance occur. Now in v 8aα he urges YHWH to bring this rescue about in the sphere of his real life. The *perfect* tense in v 8aβ.b refers back to the experience of YHWH’s sustenance, a sustenance that implied for him that the defeat of the enemies is a done deal already.

Begrich was thus right with the assumption of an oracle of salvation being proclaimed to the psalmist. However, this oracle is not given to the psalmist between v 8aα and v 8aβ.b; there is no textual evidence for that at all. It is not given by a *priest*. Rather, the psalmist is given this oracle by *YHWH* in his *dream-vision* in v 6. This dream vision gives him the confidence that his enemies have *already* lost their power (v 8aβ.b). This very experience of sustenance gave rise to the prayer of confidence that is Psalm 3.

Psalm 3 is thus not a prayer to be recited in the morning. The psalmist does not appeal to YHWH and wait for an oracle of sal-

vation to be proclaimed to him after v 8aα. Rather, he has *already* received the oracle of salvation in his dream (v 6). That is the reason why v 8aβ.b is using the *perfect* tense. Psalm 3 is the petitioner's prayer to YHWH in the middle of the night, *after* he has received a sign by YHWH saying that YHWH will support the psalmist in the midst of his troubles.⁶⁸

4.7 THE PETITIONER'S CHANGE OF MOOD FROM LAMENT TO JOY IN Ps 6:9–11

Psalm 6 reflects a deep crisis. The psalmist is distressed not only by the multiplicity of the enemies. Rather, his distress is aggravated by the experience that *YHWH* has abandoned him:

O YHWH, do not rebuke me in your anger,
or discipline me in your wrath.
Be gracious to me, O YHWH, for I am languishing;
O YHWH, heal me, for my bones are shaking with terror.
My soul also is struck with terror,
while you, O YHWH—how long? (vv 2–4)

The experience of being forsaken by YHWH is directly connected to the experience of the *darkness of the night* (v 7). This symbolizes his or her deep crisis.⁶⁹

I am weary with my moaning;
every night I flood my bed with tears;
I drench my couch with my weeping.
My eyes waste away because of grief;
they grow weak because of all my foes.

This is not just a psalm of illness. The petitioner suffers from the attacks of enemies. The enemies are *representatives* of evil powers and forces.⁷⁰ They *cause* the illness. These attacks are aggravated by the

⁶⁸ For the above interpretation of Psalm 3, see also Chr. Schroeder, "Psalm 3 und das Traumorakel des von Feinden bedrängten Beters," *Biblica* 81 (2000) 243–251.

⁶⁹ See especially the verb *bāhal* that appears three times in Psalm 6 (vv 3, 4, 11), in the first two instances referring to the psalmist, in the last one to the enemies. This verb always indicates dismay in the face of YHWH's absence or punishing presence. See Ps 30:8 in the context of v 6: "Weeping may linger for the night, but joy comes with the morning."

⁷⁰ Patrick D. Miller, "Trouble and Woe. Interpreting the Biblical Laments," *Int* 37 (1983) 32–45, points out that it is impossible to determine the identity of the

experience that *YHWH* seems to have joined them and to have abandoned the psalmist (vv 2–4).

In vv 9–11 the mood of the psalmist suddenly changes:

Depart from me, all you workers of evil,
for *YHWH* has heard the sound of my weeping.
YHWH has heard my supplication;
YHWH accepts my prayer.
All my enemies shall be ashamed and struck with terror;
they shall turn back, and in a moment be put to shame.

The psalmist here triumphantly *addresses* the enemies, certain of their ultimate defeat. According to most interpreters, the psalmist's mood changes because he or she would just have heard a divine oracle.⁷¹ However, such an oracle is not reported in the text. One would have to supply it.⁷² As an alternative to this interpretation, we quote an address to the enemies from the last section of the *Maqlû*-liturgy. Precisely in directly addressing the enemies, it is very similar in tone and style to Ps 6:9–11. Here, the certainty of triumph of the petitioner and his change of mood are connected to the breaking of *dawn*:

Dawn has broken; doors are now open;
The traveller has passed through the gate;
[The messenger] has taken to the road.
Ha! witch: you labored in vain to bewitch me!

enemies in the complaint psalms: "The enemies themselves are talked about in very typical stereotyped language. Clichés of all sorts are used throughout the psalms. The opponents are described in stark terms, usually with strong language and negative imagery. This stereotypical language should suggest caution in assuming that there is a single referent for the enemies or evildoers. Animal metaphors, war terminology, the language of the hunt can all be used to express the same reality. The adversaries seem to be characterized in the same way no matter what their actuality is for the one who sings and prays" (ibid., 34). Theologically, one can say that the enemies are the exponents and representatives of evil, of the sphere of chaos and death, of the sphere that gains control when *YHWH*'s face is turned away. In the Assyro-Babylonian incantations, these representatives of evil are called *demons* and *sorcerers*. They are those who activate evil forces and manipulate them for destructive purposes. In the psalms, the enemies are often drawn with similar features. Cf. the excellent summary of the imagery of the enemy in the individual complaint psalms by H. Vorländer, *Mein Gott*, 248–260. The enemies *function* like the demons and sorcerers in the Mesopotamian incantations, without that one could pin them down to being just that. Cf. S. Mowinckel, *Psalmstudien I*.

⁷¹ See e.g., H.J. Kraus, *Psalmen*, 187; Gerstenberger, *Psalmen*, 62.

⁷² The general intention in supplying such an oracle of salvation is to assert that *YHWH* has intervened and caused the change of mood. This is a legitimate theological concern. There is, indeed, no textual evidence for a *psychological* explanation of the psalmist's change of mood. The deliverance comes from outside.

Ha! enchantress: you tried for nought to enchant me!
 For I am now cleansed by the rising sun;
 [And whatever] witchcraft [you d]id or had done (against me during
 the night)
 May they (? the traveler, messenger) turn back (against you) so that
 they (the witchcraft) seize you yourself!⁷³

The psalmist's mood-change in Ps 6:9-11, his triumphant address to the enemies, is caused by the *breaking of dawn*. The breaking of dawn signals to the psalmist that *YHWH* is active and that the enemies besetting him or her will lose their power.

The biblical notion that the enemies lose their power at dawn is also present in Gen 32:24-26, the account of Jacob's wrestling with the angel. According to this account, a man wrestled with Jacob in the night "until daybreak. When the man saw that he did not prevail against Jacob, he struck him on the hip socket; and Jacob's hip was put out of joint as he wrestled with him. Then he said, 'Let me go, *for the day is breaking*.'" With the breaking of dawn, the mysterious man loses his demonic power; he can only act at night. Jacob survives this night, and the narrative concludes as follows: "*The sun rose upon him* as he passed Penue!l, limping because of his hip" (v 32).

That *YHWH* *hears* the weeping (v 9) and thus puts an end to it is correlated to the *change from night to day*. Ps 30:6 points this out in a clear way:

For his anger is but for a moment;
 his favor is for a lifetime.
Weeping may linger for the night,
but joy comes with the morning.

That weeping and terror belongs to the night, whereas, at the morning it is gone is expressed also in Isa 17:14:

At evening time, lo, terror!
 Before morning, they are no more.
 This is the fate of those who despoil us,
 and the lot of those who plunder us.⁷⁴

⁷³ *Maqlû* VII:153-160. Translation T. Abusch, "An Early Form of the Witchcraft Ritual *Maqlû* and the Origin of a Babylonian Magical Ceremony," 18.

⁷⁴ Cf. Job 38:12-13.15. In Ps 101:8 the king asserts:

"Morning by morning I will destroy
 all the wicked in the land,
 cutting off all evildoers (*pô'âlê 'āwen*)
 from the city of *YHWH*."

Morning is the time when YHWH accepts prayers (Ps 6:10), and the petitioner's change of mood in Ps 6:9–11 is correlated to the change from night to day. The parallel passages cited above clearly establish this, even though it is not explicitly mentioned in vv 9–11. It becomes clear once one reads the psalm in a *universal* framework of reference. Ps 6:2–8 is the petitioner's prayer in the deepest and most critical phase of the night, immediately preceding the breaking of dawn.⁷⁵ Now, *at dawn*,⁷⁶ the petitioner, who went through a deep crisis during the night, a crisis, in which even YHWH became an enemy, triumphantly addresses the enemies because the rising of the sun signalizes to him YHWH's renewed presence and salvific action.

It has become clear that Psalm 3 cannot be interpreted in the context of an ordeal procedure at the temple. Rather, the prayer is a psalm of confidence, the psalmist's response to a dream-oracle that he received from YHWH in the midst of the night. Psalm 6 has to do with the dynamic of YHWH's absence and presence. However, this dynamic is not just inherent in the text; nor is it to be understood solely in temple-theological terms. Rather, it reflects itself in the *creation* in which the psalmist is embedded. The psalm reflects and reacts to the change occurring in the reality of the creation. This change occurs beyond the linguistic structure of the text; the text points to it, and the existence of the psalmist is closely intertwined with it.

⁷⁵ Ps 17:4 indicates as well that YHWH examines the petitioner in the course of the *night*: "If you try my heart, if you visit me by night, if you test me, you will find no wickedness in me; my mouth does not transgress."

⁷⁶ For the whole motif of the deity's acting as judge *at dawn* in the ancient Near Eastern religions, see B. Janowski, *Rettungsgewißheit und Epiphanie des Heils*. Janowski explains the motif of the "rescue at dawn" phenomenologically as being correlated to the transition from night to day mythically understood as the overpowering of the forces of darkness and chaos by the forces of justice and light.

CHAPTER FIVE

PSALM 7: THE PETITIONER'S APPEAL TO YHWH, THE JUDGE, AT DAWN

5.1 YHWH'S ACTING AS JUDGE IN THE INDIVIDUAL COMPLAINT PSALMS

In the following, we will focus on the imagery of *YHWH's agency as judge* in Psalm 7. That is, we will look at the psalms of complaint of the individual with juridical language, texts that Walter Beyerlin has related to an institution of sacral judgment at the temple.¹ We have already seen that one cannot sharply categorize the psalms as belonging into a legal or a medical setting. The psalmist could appeal to YHWH, the *judge*, in order to be delivered from an *illness*. Analyzing, specifically, Psalm 7, we will argue, contrary to the common opinion, that rather than being a "prayer of the accused,"² the petitioner

¹ See Beyerlin, *Die Rettung der Bedrängten*. I will take the psalms that Beyerlin has singled out as the basis of this investigation, without, however, limiting myself to this selection. In fact, as we will see, Beyerlin's categorization of the psalms is arbitrary. Juridical language alone is not enough to subsume a variety of psalms to one subgroup and relating them to the same social setting. Not even the notion of YHWH as judge and the psalmist's petition *šoptēni YHWH* (Ps 7:9; 26:1; 35:24; 43,1) can be said to point to the same judicial background. In Psalm 26, e.g., the appeal to YHWH to act as judge concerns the *examination* of the petitioner who seeks access to the sanctuary and who sees this thorough examination as a necessary preliminary act for getting access to the temple; YHWH's acting as judge does not concern the elimination of the *enemies*. In Psalm 7, in contrast, YHWH's acting as judge is not exclusively concerned with the examination of the psalmist's righteousness, although this is an integral part of the judge's proceeding. Its main purpose is rather the execution of a verdict against the enemies. Thus, it seems to be more appropriate to take those psalms as belonging together that contain the motif of God's overcoming the enemies, even though it is not always God's agency as *judge* that achieves this elimination of the enemies (cf. Psalm 35; cf. n. 22 above). In the following, we will deal only with Psalm 7. The analysis of this text will have implications for the whole institutional framework that Beyerlin has reconstructed.

² The theory that a number of individual complaint psalms are "prayers of the accused" was first developed by Hans Schmidt, *Das Gebet des Angeklagten im Alten Testament* (BZAW 49; Berlin/New York: de Gruyter, 1928). It was taken up and developed by W. Beyerlin, *Die Rettung der Bedrängten*; see also H.J. Kraus, *Psalmen* (5th ed.; BKAT XV/1; Neukirchen-Vluyn: Neukirchener, 1978). It still is presupposed by two of the most recent Psalms commentaries, namely, Frank L. Hossfeld/Erich

is the one to *initiate* the lawsuit; *he* calls upon YHWH, urging him to rescue him from his distress and to punish his enemies.

We will compare Psalm 7 with other prayers of individuals to the divine judge. What previous scholarship has neglected in this regard are the Assyro-Babylonian prayers to *Shamash*, the judge. Individuals appealed to Shamash, the supreme judge of the gods, in the course of *ordeals* (prayer of the *accuser* asking for a verdict against the oath-breaker). Further, the *diviner* (*baru*) directed his prayer to the divine judge at dawn, asking for a favorable verdict for his client to be decreed in the divine judicial assembly (*ikribu*-prayer of the diviner). Finally, the *incantation-priest* (*āšipu*) appealed to Shamash by using the form of a lawsuit, urging him to decree a verdict that would allow the gods of wisdom and magic, Ea and Marduk, to annihilate the evil besetting the exorcist's client. We will analyze these three aspects of divine judicial acting and see whether YHWH's acting as judge in Psalm 7 can be interpreted in the light of these prayers.

5.2 PSALM 7: THE PSALMIST'S APPEAL AT DAWN TO YHWH, THE UNIVERSAL JUDGE IN THE HEAVENLY HEIGHT

5.2.1 *Text and Structure*

Psalm 7 is the text among the psalms of the individual with juridical language in which the request for judicial assistance is put forward in the most prominent form.³ The psalmist takes the initiative and urges YHWH to convoke the judicial assembly, to examine his case, and to issue a verdict. The petitioner depicts a judgment scene in which he declares his righteousness and praises YHWH as one who tests the heart and kidneys.

- 2 YHWH, my God, in you I take refuge,
save me from all my pursuers and rescue me
- 3 that he may not tear me apart like a lion,
dragging me away, with no one to rescue.
- 4 YHWH, my God, if I have done this:
if there is wrong in my hands

Zenger, *Die Psalmen* (NEchtB; Würzburg: Echter, 1993) and K. Seybold, *Die Psalmen* (HAT I/15; Tübingen: Mohr Siebeck, 1996). That is the reason why a thorough examination of this hypothesis needs to be done in the following.

³ Beyerlin, *Die Rettung der Bedrängten*, counts Ps 3, 4, 5, 7, 11, 17, 23, 26, 27, 57, 63 among the psalms belonging into a juridical setting.

- 5 if I have repaid my friend with harm
or plundered⁴ my foe without cause
- 6 then let the enemy pursue and overtake me,
trample my life to the ground,
and lay my soul in the dust.
- 7 Arise, YHWH, in your anger:
lift yourself up against the fury of my enemies;
and awake towards me;
you have commanded judgment.
- 8 Let the assembly of the peoples⁵ be gathered around you,
and above it return to the height.⁶
- 9 YHWH judges the peoples;⁷
judge me, YHWH, according to my righteousness
and according to the integrity that is on me.
- 10 Let the evil of the wicked come to an end and establish the righteous,
you who tests the heart and the kidneys, righteous God.
- 11 My shield above me⁸ is God, the savior of the upright in heart.
- 12 God is a righteous judge,
and a God who has indignation every day.
- 13 Truly,⁹ again he¹⁰ whets his sword,
he has bent his bow and strung it.
- 14 but for himself¹¹ he has prepared deadly weapons,
is he making his arrows into fiery shafts.
- 15 Behold, he conceives evil and is pregnant with mischief and brings
forth deceit.
- 16 He [has] made a pit and dug it out,
but he fell into the hole that he was making.

⁴ For a detailed discussion of Jeffrey H. Tigay's interpretation of this verse ("Psalm 7:5 and Ancient Near Eastern Treaties," *JBL* 89 [1970] 178–186), see further below, chapter 7.

⁵ Gunkel reads *'adat 'elohim* instead of *'adat lē'ummim*, in analogy to Ps 82:1 (*'adat 'el*), assuming that the "original mythological term was replaced by a more sober one" (*Die Psalmen* [5th ed.; Göttingen: Vandenhoeck & Ruprecht, 1968] 26). We will show in the following that the motif of God's agency as judge is indeed related to God's agency in the *divine council*.

⁶ *mārôm* is the term for YHWH's heavenly abode. See Isa 33:5; 57:15; Ps 102:20; Ps 18:17//2 Sam 22:17; Ps 144:7. It is the place where the heavenly judge is enthroned (Isa 24:21; cf. Jer 25:30; Lam 1:13; Job 16:19). Cf. "Art. *rîm*," *TWAT* VIII, 431–2; Martin Metzger, "Himmlische und irdische Wohnstatt Jahwes," *UF* 2 (1970) 139–158.

⁷ For the notion of God's judging the peoples see 1 Sam 2:10; Pss 9:9; 96:10; 98:8.

⁸ Read *maginnî 'alay 'elohim*; cf. Ps 3:4.

⁹ *'im lô* has a deictic meaning.

¹⁰ The subject of the verse is the *enemy*, not YHWH (against Hossfeld/Zenger, *Die Psalmen*, 74). The subject in vv 13–14 cannot be different from that in vv 15–16 (cf. Gunkel, *Die Psalmen*, 27).

¹¹ *lô* is reflexive pronoun. Cf. 1 Kgs 22:11.

- 17 His mischief returns upon his own head
and to the crown of his head descends his violence.
18 I will praise YHWH according to his righteousness,
and sing to the name of YHWH, the Most High.

The psalm has the following structure:

- I. 2–3 Introductory invocation and petition
- II. 4–12 The Lawsuit
 - 4–6 Declaration of Innocence
 - 7–10a Appeal to YHWH, the universal judge
 - 10b–12 Doxology of judgment
- III. 13–17 Description of the enemy's fate in wisdom terms
 - 13 Activity of the enemy
 - 14–17 Reversion of the deed against the enemy
- IV. 18 Vow of praise

The crucial question that Psalm 7 raises is, in the words of W. Beyerlin, "how the deliverance of the oppressed in the enemy-psalms, that is testified to as YHWH's exclusive act, can have been realized in *practice*."¹² How can YHWH's judicial activity in the divine assembly in the height have an impact on the reality of life and death that the petitioner is experiencing? More specifically, how can one understand the self-destruction of the enemies, reported in vv 13–17? In these verses, the typical phraseology of wisdom texts is present. Psalm 9, a *song of thanksgiving* for the deliverance by YHWH the judge, celebrates the self-destruction of the evildoers in a similar way, by using the terminology of wisdom theology.¹³

The nations have sunk in the pit that they made;
in the net that they hid has their own foot been caught.
YHWH has made himself known, he has executed judgment;
the wicked are snared in the work of their own hands. (Ps 9:16–17)

As in Psalm 7, the psalmist celebrates the self-destruction of the enemies as the outcome of *YHWH's judicial activity*. The verdict that

¹² W. Beyerlin, *Die Rettung der Bedrängten*, 13.

¹³ There are *two* songs of thanksgiving responding to Psalm 7. Ps 8:2 takes up Ps 7:18. It is the song of praise to YHWH's *name* that Ps 7:18 had announced. Psalm 9 is a further song of thanksgiving. Cf. Ps 9:3, "I will sing praise to your name, O Most High," with Ps 7:18, "... and sing praise to the name of YHWH, the Most High."

YHWH issued as judge in the assembly of the peoples manifests itself in an inner-worldly event. Both psalms presuppose an agency of YHWH that ensues with the issuing of a judicial verdict in the height and realizes itself in everyday-life. *How does God act*, causing the psalmist's change of mood from lament to joy? One widely accepted proposal argues that these verses do not describe *YHWH's judicial activity* but rather an immanent mechanism.

5.2.2 Ps 7:13–17 and the Doctrine of Retribution

According to Klaus Koch, the idea of retribution on the basis of a judicial process and according to an *external standard* and a *judicial norm* is contrary to Hebrew thinking.¹⁴ For him, the use of judicial language and the attribution of the title of judge to God is the theological embellishment of a more basic *ontological* mechanism. All texts that talk about God's agency in judicial language, claims Koch, presuppose an underlying mechanism, according to which punishment and reward occur automatically, without divine intervention. This would be the case in Psalm 7 as well. According to Koch, Ps 7:13–17 reflects the concept of the immanent connection between act and fate; these verses can, therefore, argues Koch, be read in

¹⁴ Klaus Koch, "Is There a Doctrine of Retribution in the Old Testament?," in: *Theodicy in the Old Testament* (ed. J.L. Crenshaw; IRT 4; Philadelphia/London: Fortress, 1983) 57–87. See also *Um das Prinzip der Vergeltung in Religion und Recht des Alten Testaments* (ed. K. Koch; Wege der Forschung vol. CXXV; Darmstadt: Wissenschaftliche Buchgesellschaft, 1972). A doctrine of retribution, according to which interpreters have, in fact, often understood the agency of God in the Old Testament, implies, "that a *judicial process* must take place. In this process, the personal freedom and economic circumstances of the person, which up to that point have not been affected by his actions, are now indeed affected by some 'alteration' in the person's circumstances relative to possessions, freedom, or maybe even life, as that person receives either a 'reward' or 'punishment.' In such a case, *punishment and reward are not part of the person's nature, nor part of the essence of the action*. The response to one's action would be by assessment, meted out by a higher authority, and then imposed upon one from the outside" ("Is There a Doctrine of Retribution?," 59).

The usual understanding of the notion of retribution is indeed originally related to the Aristotelian concept of distributive justice that describes the task of the *human judge* in terms of "the distribution of something in shares proportionate to the deserts of each among several parties." Scholastic theology used this concept of distributive justice as a model for interpreting the biblical God's exercise of justice. In accordance with it, God came to be seen as punishing and rewarding according to strict and objective criteria. Since the humans, on account of their sinfulness could never fully satisfy this principle of divine distributive justice, theologians came to regard God's *justice* a principle standing in opposition to God's *compassion*. The biblical notion of justice, understood as retributive or distributive justice, thus took on a negative coloring.

isolation from the description of YHWH's acting as *judge* in the judicial assembly in the preceding vv 7–12. Ps 7:13–17 explains the fate of the enemies in a very basic way. *They suffer the immanent consequences of their own deed.* This happens, claims Koch, “just like laws of nature which operate so that an action inevitably is followed by a reaction.”¹⁵ God's agency can thus be reduced to the ontological act-consequence relation, allegedly characteristic of *wisdom-literature*. The petitioner's change of mood would thus not be caused by YHWH's judicial intervention; it rather would be caused by the automatism according to which his enemies are caught by the consequences of their own actions. “By facilitating the completion of something which previous human action has already set in motion,” YHWH's agency is comparable to that of a *midwife* who assists at a birth.¹⁶ YHWH “furthers,” YHWH “reinforces” and “hurries the action along” in order that it may turn into its corresponding fate. God's “agency” is, according to Koch, an integral aspect of the process of the “fate-effecting deed.”¹⁷ YHWH sets the action in motion so that it *grows into* the corresponding fate.

5.2.3 *The Psalmist's Appeal to the Divine Judge at Dawn*

In the following, we intend to show that, rather than an immanent mechanism, it is the divine word of the *creator*, the powerful word that pervades the whole creation, that changes the *reality* the petitioner is experiencing.¹⁸ The psalmists claim that YHWH's mighty deed rescues them from their distress and causes their change of mood from complaint to joy.

¹⁵ Ibid., 58. See also his statement: “A person's destiny is determined by one's own actions” (ibid., 62). Further wisdom sayings that Koch cites in support of the presence of a doctrine of the act-consequence-relation in wisdom literature are Prov 26:27,28; 28:1,10,16b,17,18,25b; 29:6,23,25. See ibid., 58.

¹⁶ Ibid., 69.

¹⁷ He devotes an extensive section of his investigation to the analysis of the verb *šib* hif. with YHWH as subject (cf. idem, 63). Whereas traditionally it is translated with “requite,” its literal meaning is “allow to turn back, steer back towards.” For Koch, *hšib* YHWH denotes YHWH's *enforcement* and *perfection* of the deed that transforms it in a linear fashion into its corresponding fate: “Whenever this word is used with Yahweh as subject, it means that a person is so handled by Yahweh that he is given over to experience the consequences of his particular actions” (ibid., 65).

¹⁸ This powerful word can be proclaimed by a *prophet* to the person in distress (*oracle of salvation*). It can be transmitted to the sufferer directly by YHWH (*dream-oracle*; see the above interpretation of Ps 3:6). It can express itself in the *breaking of dawn* that signals the divine overcoming of the forces of chaos (Ps 6:9–11).

We intend to show that the psalmist's experience is her *reintegration into creation*. This is what YHWH's *word* brings about. As a *creature*, the psalmist is an integral part of the creation. She is embedded in it and exposed to the powers and forces that manifest themselves in it. Her *distress* consists in that her harmonious relationship with creation, with other human beings, with the sphere we call nature, has been disrupted. She experiences YHWH's agency as bringing about the powerful restitution of these relationships. YHWH's acting through the divine word changes outside reality and it *cures* the illness. It gives the psalmist back her place in universal reality. The psalmist is a creature who experiences YHWH's agency benevolently in multiple ways in the creation surrounding her.¹⁹

The connection between act and fate that the wisdom sayings do, in fact, denote, appears in a completely different light, if one realizes that human beings are *creatures* who are embedded in the universe and are completely dependent on it.²⁰ Psalm 7 is a prime example for the fact that there is no automatism between act and reward. When creatures *cry out* to YHWH for justice, they do so because they are not experiencing YHWH's response.²¹ They expect

¹⁹ This is not any form of a *natural* theology. The petitioner appeals for an experience of YHWH's agency, rather than for the manifestation of natural forces. YHWH uses the forces of nature. However, this does not mean that YHWH's acting can be explained in *naturalistic* terms. The convening of the divine assembly and YHWH's reversion of the deed against its doers that stand at the center in Psalm 7 preclude the interpretation of YHWH's agency in the framework of a *natural* theology.

²⁰ When Prov 28:1 states that, "The wicked flee when no one pursues, but the righteous are as bold as a lion," the righteous are "as bold as a lion" because the world in which they act responds to their acts of *righteousness* in an assertive and benign way. Righteousness is a complex and well-defined *universal* construct. To do acts of righteousness means to transcend oneself, to act in accordance with a principle that is agreed upon *in the community* and that denotes the community's standing in harmony with *universal reality*. If the creatures experience grace and security when they trust in YHWH (Prov 29:6), they experience YHWH's *response* to their deed. The *responses* that human beings experience can hardly be separated from YHWH's *acting*. The world responds and reacts to human acting in specific ways, and it is the task of human beings to interact with the world in such a way that they receive benign responses. The specific rules and conditions of this interaction are what the wisdom-sayings try to grasp. Wisdom describes the *repercussions* and *responses* that human deeds elicit in their interaction with the world and with the power that is beyond them.

²¹ Jan Assmann, *Ma'at. Gerechtigkeit und Unsterblichkeit im Alten Ägypten* (München: C.H. Beck, 1990) 66f., refutes Koch's assumption that human beings as autonomous subjects set in motion a *process of causality* and instead argues that justice is, if at all, guaranteed *culturally*. Real-life experience demonstrates the absence of a cosmic mechanism that would automatically reward good deeds and punish evil ones. Day

YHWH to *act*. Human beings are, in the Old Testament, finite creatures who are exposed to a power that is beyond themselves and with which they have to make the right contact, in order to survive.²² YHWH is an agent who commands spheres of power and issues verdicts that ward off the forces of evil. The biblical God's justice is always concerned with the "transvaluation of power" (Schweiker). It limits human power for positive purposes. It is one intention of this investigation to show that YHWH's justice and YHWH's acting as judge have a *universal* dimension.

Traditionally, in the ancient Near East, one pleads one's case to the divine judge *at dawn*.²³ Dawn is the time of the convening of the

by day experience rather confirms what an Indian proverb poignantly calls "the law of the fishes:" "The big fishes devour the small ones." The stronger crushes the weak; the evil one defeats the righteous one. In everyday-life, evil acts do not have, in and by themselves, negative consequences for their doers. "There is no causality." Rather, reciprocal acting for each other; thinking in each other, remembrance, the keeping of promises, and the cultural institutionalization of these forms, create a social network that gives people the assurance that their acts will receive the adequate reward. The connection between act and effect is, argues Assmann, based on an *inter*-subjective rather than on an *inner*-subjective mechanism (principle of reciprocity over against actions having built-in consequences). "Only group-solidarity is able to guarantee the nexus of act and consequence" (*ibid.*). In Egypt, this group-solidarity, the constant "circulation of deeds," is guaranteed by the hierarchical organization of Pharaonic kingship. Assmann translates the word Ma'at (justice, world order) as the Egyptian name for this *principle of reciprocity*.

²² With regard to divine agency in prophetic judgment oracles, Patrick D. Miller has pointed out that these oracles characterize the punishment as *corresponding* to the evil act rather than as naturally following from it as a *consequence* (Patrick D. Miller, *Sin and Judgment in the Prophets. A Stylistic and Theological Analysis* [Missoula: Scholars Press, 1982]). The fate is not alien to the doer; it is not given according to objective external standards (this was Koch's criticism of the doctrine of retribution), and yet it is not the automatic consequence of the deed. It is not its natural outgrowth. It rather is brought about *by YHWH* in correspondence to the deed. The relation between act and fate is not one of outgrowth, development, and causality, but one of *symmetry*. The prophetic oracles deliberately express this symmetry on the *semantic* level, a phenomenon that Miller calls *poetic justice* (cf. Hos 4:6; Jer 50:15). From the presence of talionic formulations in the prophetic judgment oracles Miller concludes to YHWH's *judicial* activity in the heavenly court: "The decision is rendered by Yahweh, probably in his assembly, and announced by his herald the prophet. In such cases Yahweh can hardly be seen other than functioning in some way as a judge, and the judgment or sentence is—again in some instances at least—according to judicial norms, i.e., those within the context of *lex talionis*" (*ibid.*, 110). As we will see further below, the notion of YHWH's acting as judge *in the heavenly assembly* is of crucial importance for understanding the inner logic of the divine agency as judge. The imagery of the divine assembly is the symbol that defines how one has concretely to imagine the deity's control of the powers and forces that constitute the world and to whose interaction those who appeal for the divine judicial verdict are exposed.

²³ For an analysis of the widespread ancient Near Eastern motif of YHWH's res-

divine assembly for judgment. Since Psalm 7 is a petitioner's appeal to the divine judge (vv 7–10), one can, even though the psalm does not mention it explicitly, infer that the petitioner of Psalm 7 appeals to YHWH, the judge, *at dawn*. Night and dawn are points of reference for the petitioner and indicate the framework in which his petition takes place. The enemies are exponents of forces and powers to which the petitioner is exposed. The psalm is thus to be interpreted in a universal framework of reference, in which the finite creature is exposed to the creation as the sphere of powers and forces.

The petitioner speaks Psalm 7 *at dawn*, at the time of the convening of the divine judicial assembly. He or she voices the law-suit in Psalm 7, addressing the divine judicial assembly that is gathered in the height. He or she appeals to YHWH, the *judge of the universe*. This is the *Sitz im Leben* of Psalm 7. YHWH's acting as judge, for which the petitioner appeals in Psalm 7, occurs in heaven, in the heavenly judicial assembly (Ps 7:7–10).²⁴ The distress from which the petitioner is suffering stands in interconnection with all the powers in the creation. The enemies are representatives of powers and forces. As such, Babylonian incantations call them demons and sorcerers, and the psalms name them, with a very precise term, *pō'ālē 'āwen*.²⁵

cue *at dawn* see B. Janowski, *Rettungsgewissheit und Epiphanie des Heils. Die Hilfe Gottes "am Morgen" im Alten Orient und im Alten Testament. Band I: Alter Orient* (WMANT 59; Neukirchen-Vluyn: Neukirchener 1989). Janowski explains the motif of the "rescue at dawn" phenomenologically as being correlated to the transition from night to day, mythically understood as the overpowering of the forces of darkness and chaos by the forces of justice and light. For examples of prayers by individuals directed to the divine judge at dawn cf. below (prayers of *diviner* and *incantation-priest*).

²⁴ Cf. Gerstenberger, *Der bittende Mensch*, 155–6: "God's acting as judge occurs . . . in heaven (Ps 7,7f) and is experienced, in the distress, as a rescuing intervention in behalf of the supplicant; not as a judicial procedure with the purpose to establish a verdict but as an executing deed. No procedure before an (imaginary) temple-court corresponds to YHWH's judicial acting from out of the height." Gerstenberger further points to the Babylonian incantation-prayers that are addressed to the divine judge: "In the Babylonian prayers there is the petition for a judicial verdict, next to the other one for the decreeing of a (favorable) destiny . . . One can assume that also in Israel the notion of Yahweh, the 'judge,' is connected to the heavenly assembly that makes decisions regarding human beings" (ibid., 156 n. 171).

²⁵ Ps 5:6; 6:9. See Sigmund Mowinckel, *Psalmenstudien I*. Cf. n. 69 in the preceding chapter for the problem of the identity of the enemies in the individual complaint psalms. Cf. further Lindström's rehabilitation of Mowinckel's approach: "Mowinckel's interpretation of the enemy has not been followed by many psalms scholars, mainly due to the fact that the philological base for the magician interpretation was soon found to be too fragile. But unfortunately, the baby was thrown out with the bath water. Personally, I find two important components in this interpretation of the enemy. First, it appears, as Mowinckel maintained, that the role of the enemy in the psalms in question is often of a primary nature concerning the

The psalmist is exposed to these powers and forces. His whole bodily existence is intertwined with them. That is why the psalmist has to address YHWH, the supreme judge and ruler of the creation.

Ps 7:13–17 narrates the *execution* of YHWH's judicial verdict against the enemies. YHWH's judicial verdict realizes itself in the *divine reversion of the acting of the enemies against themselves*, so that they suffer their self-destruction. In Akkadian prayers, there is a parallel to this in that the gods Ea and Marduk, acting upon command of Shamash, the supreme judge of the gods, *magically revert the deed against their doers*.²⁶ The analysis of this acting of YHWH in Ps 7:13–17 will stand at the center of this investigation. *This acting of YHWH in Psalm 7 leads to the petitioner's change of mood* and to his or her experience of rescue. This acting of YHWH as judge appears explicitly only in Psalm 7. However, the motif of *reversion* of the evil against its agents which has its origin in this judicial context, is very frequent in the complaint psalms.²⁷

In the following, we will first deal with the interpretation of Psalm 7 that has dominated the scholarly discussion. It assumes Psalm 7 to be a "prayer of the accused." The most important feature of this interpretation is that the psalmist is assumed to be in a situation where others put him on trial. The petitioner utters Psalm 7 in the course of an ordeal at the temple. The prayer is his defense against the accusation and he insists on his *innocence*. Eventually, the personnel of the court execute the divine verdict against the petitioner's *accusers* (Ps 7:13–17). We will see that Psalm 7 does not correspond to the situation of an ordeal, since in that context it is the *accuser* who addresses a prayer to the deity, not, however, the one who is innocently being accused. On the other hand, Psalm 7 is not the prayer of an *accuser*; it rather is the prayer of a person who is in

origin of suffering (. . .) Second, Mowinckel's interpretation of the image of the enemy is in line with the theological classification of the enemies present in these psalms. The individual complaint psalms appear to presuppose an interpretation of life which is 'dualistic' in nature. The interaction of the enemies with this evil, hostile to God and man, which according to the understanding of life in the individual complaint psalms is a constant threat to the individual, and against which even YHWH must defend himself and his area of power, is clearly underscored by this scholar (*Suffering and Sin*, 9–10).

²⁶ See for this further below.

²⁷ Cf. Ps 9:16–17; 35:8; 37:13–15; 57:7; 64. Usually, scholars explain this reversion-imagery rather stereotypically as expression of the so-called *connection between act and consequence* (Cf. K. Koch, "Is There a Doctrine of Retribution in the Old Testament?"), rather than as an expression of divine acting.

existential distress and *initiates* the lawsuit to YHWH, the judge. We will extensively deal with a prayer of the *accuser*, spoken in the context of an ordeal, and with an interpretation that attempts to interpret *Psalms* 7 in the context of an ordeal by battle (chapter 7). In both contexts the deity acts as judge. In both contexts, divine judicial acting has a universal dimension and occurs independently from human acting. It is thus obvious that there are several situations in which people appealed to the divine judge. These situations have to be carefully distinguished; this is important for discerning the multifaceted character of YHWH's acting as judge.

We will, subsequently, compare Psalm 7 with Babylonian and Assyrian prayers that are recited in a cultic-ritual setting and in which the petitioner or his representative, the diviner or the exorcist, *initiate* the lawsuit and ask the deity for a favorable judicial verdict. First, we will analyze the *diviner's* prayer to Shamash, the supreme judge of the gods (chapter 8). The diviner's appeal to the *divine judicial assembly* at dawn parallels the petitioner's appeal in Psalm 7. It shows that the ancient Near Eastern notion of divine judicial acting can only be understood in a horizon of universal references. The notion of the divine council that gathers at dawn, at the transition from darkness to light, is a central symbol of this framework of universal references. Next, we will compare Psalm 7 to *incantations* to Shamash, the judge, in which the petitioner urges Shamash to decree a verdict against his or her enemies (chapter 9). The reversion-imagery appearing in Ps 7:13–17 is characteristic also of the acting of the gods Shamash, Ea, and Marduk, and has its origin in a *magical* understanding of power. The petitioner's change of mood in Ps 7:13–18—as well as in Ps 6:9–11—is correlated to the change that takes place in the whole creation at dawn and that the ancient Near Eastern religions understood in judicial terms as the establishing of justice through the divine council. The psalmist experiences the overcoming of the enemies and his or her rescue from the distress as his or her reintegration into the universal horizon of creation.

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CHAPTER SIX

THE THEORY OF THE JUDICIAL ORDEAL AT THE JERUSALEM TEMPLE

6.1 THE CULTIC-INSTITUTIONAL HYPOTHESIS

6.1.1 *The Ordeal at the Temple as Israel's Supreme Court of Justice*

The *communis opinio* in current research maintains that Psalm 7 testifies to a cultic institution of divine judgment at the Jerusalem temple. The driving force behind this interpretation is to explain God's agency as judge by replacing it with a human institution. The *institution* of the sacral court administered by priests in the name of YHWH ultimately guarantees the effectiveness of what the psalm describes as *God's* agency as judge. The *physical* structure of the temple provides the protection from the enemies that the psalmists confess to experience. The personnel of the temple carry out the punishment of the evildoers. The concrete character of this institution is disputed among scholars. Basically three hypotheses have dominated the discussion.

Hans Schmidt named Psalm 7 and related psalms characterized by their use of judicial language "prayers of the accused."¹ These prayers would allow for a glance at the daily enactment of the legal institutions described in Deut 17:8–13, 19:16–21, and 1 Kgs 8:31–32. According to these legal texts, an accused person whose case could not be decided by the local court is brought to the higher court at the Jerusalem temple where priestly procedures eventually establish guilt or innocence. Awaiting his trial, during his "imprisonment on remand," Schmidt maintained, the petitioner would have directed one of the "prayers of the accused" as a request for clemency to the divine judge.

Whereas H. Schmidt devised the disconcerting situation of pending trial as the *Sitz im Leben* of the psalms of complaint of the individual with juridical language, Lienhard Delekat maintained that this setting contradicted the spirit of trust and comfort expressed in these

¹ H. Schmidt, *Das Gebet der Angeklagten im Alten Testament* (BZAW 49; Berlin: de Gruyter, 1928). For Schmidt, the prayers of the accused are Psalms 3, 4, 5, 7, 17, 26, 27, 31:2–9, 57, 139, 142.

prayers.² He, therefore, proposed to relate the psalms that use judicial language to the institution of *asylum in the sanctuary* documented in Exod 21:14; Num 35:16–21, 31, 33–34, and Deut 19:11–13.

Walter Beyerlin, in turn, argued that the institution of asylum in the sanctuary with its exclusive focus on the *protection* of the individual, does not account for the judicial features present in these psalms of complaint of the individual. Basing his reconstruction on the same texts as H. Schmidt, namely, on Deut 17:8–13, 19:16–21, and 1 Kgs 8:31–32, Beyerlin proposed to see an institution of divine judgment at the Jerusalem temple as the setting of these texts. Rather than being *imprisoned* in the temple (against Schmidt), the accused one experiences the temple as a place of refuge where he awaits the divine judgment.

In all three proposals, prayers in which the petitioners appeal to YHWH, in order to be rescued from their enemies, are interpreted in a setting of a legal institution in which these same petitioners are paradoxically first made into *suspects* who are being accused of a crime. The enemies are the accusers who subject the psalmist to this legal procedure. A legal institution provided by YHWH and created in order to administrate justice is here presented as something from which the petitioners have to be rescued. The psalms with juridical language do not indicate at all that the psalmists are being accused in a legal sense.³ Rather, the psalmists are in an outlawed situation, without the protection of any legal institution. In this situation they appeal to YHWH to overcome their enemies and to rescue them.

In all three proposals, non-psalmic texts from the legal sections of the Pentateuch provide the basis for the reconstruction of the setting of these psalms. For Beyerlin, this is an indispensable methodological premise; it is, according to him, the only way to secure that the events described in the psalms are not mere poetry but had an objective facticity. Since Beyerlin's proposal has been influential⁴ and he has presented it in an elaborate form, it shall, in the following, be the subject of the discussion.

² L. Delekat, *Asylie und Schutzorakel am Zionsheiligtum. Eine Untersuchung zu den privaten Feindpsalmen* (Leiden: E.J. Brill, 1967).

³ This theory presupposes an opposition of YHWH to legal institutions that has no basis in the biblical texts. The ones subjected to an ordeal did not need to be *delivered* from this legal procedure. Rather, this very legal procedure was supervised by YHWH.

⁴ Cf. the most recent interpretation of the respective psalms by K. Seybold in his commentary *Die Psalmen* (HAT I/15; Tübingen: Mohr Siebeck, 1996).

6.1.2 *The Concept of the Judicial Ordeal*

Beyerlin sees the cultic institution of divine judgment that, he asserts, Deut 17:8–13, 19:16–21, and 1 Kgs 8:31–32 describe, as the supreme court in Israel's administration of justice.⁵ He takes it, essentially, to be an *ordeal* that has distinct features: a.) the accused one takes a purgatory oath; b.) in response to it, YHWH issues a verdict; c.) the personnel of the temple implement the punishment of the guilty.⁶ In order to examine Beyerlin's concept of ordeal we will first look at an ancient Near Eastern text, in which the enactment of an ordeal is decreed in order to solve the case. This will put Beyerlin's concept of ordeal in a comparative perspective; it will also help to get an idea concerning the quality of the criminal cases that demanded the enactment of an ordeal. We will then address the question whether the texts, adduced by Beyerlin, refer to the enactment of an ordeal.⁷

JEN II, No. 124⁸ is the court's report about the contradictory testimony of two legal opponents:

Declaration by Mat-Tešup, son of Ḫilpiš-šuḫ:

Yes! Kurpa-zaḫ, my brother ("son of Ḫilpiš-šuḫ") has well and truly seized eight head of small livestock ("sheep") belonging to Tamar-ta'e, son of Lâ-qêpu, (and which were) on the orchard (included) in the part of the inheritance of Tupki-tilla, my other brother ("son of Ḫilpiš-šuḫ") (and) he has put them into his orchard, (that is included) in his (own) part of the inheritance.

Declaration by Kurpa-zaḫ, (given in response to the above accusation): No, I did not seize eight head of small livestock ("sheep") belonging to Tamar-ta'e, (and which were) in the orchard (included) in the part of the inheritance of (my brother) Tupki-tilla, nor did I put them into the yard (included) in [my] part of the inheri[tance].

To the contrary, yes! They did well and truly graze on my own part of the inheritance. But I have not seized them.

On account of this matter, they will go to the river-bank (ID *Huršan*).

Jean Bottéro interprets this situation as follows:

⁵ Another text adduced by Beyerlin is Exod 22:7–10.

⁶ Beyerlin bases his concept of the ordeal procedure on R. Press' investigations about the ordeal in ancient Israel. See R. Press, "Das Ordal im Alten Israel I," *ZA* 51 (1933) 121–140.

⁷ See below 6.3.

⁸ Cited according to J. Bottéro, "L'ordalie en Mésopotamie ancienne," in *Annali della Scuola Normale Superiore di Pisa. Classe di Lettere e Filosofia* (serie III vol. XI, 4; Pisa, 1981) 1017.

The estates of three brothers, sons (and heirs) of (the late) *Ḫilpiš-šuh*, do, without doubt, adjoin each other. One of them (*Mat-Tešup*) accuses the other (*Kurpa-zah*) of having carried off from that of the third (*Tupki-tilla*), and kept for himself, eight head of small livestock belonging to a third party (*Tamarta'e*), of which we do not know the connection with the trio, sheep that were grazing on the aforementioned land, evidently with the assent of their owner and without doubt to his advantage. The accusation is made, according to the rule, by way of a solemn declaration before the court that has put it down in writing in its protocol (lines 1–8). Subsequently, the judges are supposed to have interrogated the accused one who gave an equally solemn declaration, exactly to the contrary, however, that is deposited in continuation in the report of the court (lines 9–14): he asserts, in addition (lines 15–17), that the sheep in question grazed on his land, and not on his brother's, thus suggesting that he would have had the chance and the right to confiscate them; but that he has not done it. There are no witnesses to the petty-theft, nor traces of any sort. That is why the court, which cannot give up to judge, refers the two parties to the supernatural authority of the (river)-bank.⁹

The ordeal at the river-bank that will now ensue has the function of determining guilt and innocence in judicial cases where there were no proofs and witnesses. The accused one had to submit to the ordeal, taking place at "the river-bank" (*ḫuršan*), by submerging in the river. If he floated and came out of the river alive, he was innocent. If he drowned, he was seen to be guilty.¹⁰ The determination of guilt and the punishment are one and the same act, believed to be executed by the god *Ea*.¹¹

Whereas there is, at least regarding the character of the legal conflict, a certain similarity between the structure of the ordeal procedure outlined by Beyerlin and the way it is described in the Mesopotamian text, it is obvious that the Mesopotamian example of an ordeal does, regarding the *agency of the deity*, differ from the concept of ordeal adopted by Beyerlin. In the Mesopotamian ordeals, the *deity* issues the verdict *and* implements it at the same time. In Beyerlin's reconstruction, in contrast, the personnel of the temple implement the punishment of the guilty.¹²

⁹ J. Bottéro, "L'Ordalie en Mesopotamie ancienne," 1018f.

¹⁰ "Autrement dit, pour celui qui subit l'épreuve, c'est une question de vie ou de mort. Si, selon la logique de la procédure ordalique, il est coupable, elle constitue pour lui à la fois une démonstration de sa culpabilité et son châtement" (ibid., 1022f.).

¹¹ For this interpretation see ibid., 1053–1067.

¹² Beyerlin argues that, whereas in the ordeals in the religions of Israel's neigh-

We will now address the question whether Deut 17:8–13, 19:16–21, and 1 Kgs 8:31–32 refer to the enactment of an ordeal. First, we will look in some detail at Beyerlin's *reconstruction of the institution* (6.1.3) that provides, according to him, the setting for the psalms of complaint of the individual with juridical language (6.1.4–6.1.5). We will then analyze this reconstruction critically (6.2) and see whether the psalms of the individual with juridical language can be understood in its context (6.3). It is necessary to analyze Beyerlin's reconstruction in a detailed fashion, since his interpretation represents the exegetical consensus and is being confirmed by virtually all recent psalm-commentaries. Only through a detailed critique will it be possible to present a new interpretation of Psalm 7 that will allow for a deeper understanding of the realistic dimension of YHWH's acting as judge. The following is, therefore, a critical examination of Beyerlin's interpretation.

6.1.3 *Beyerlin's Reconstruction of the Ordeal*

In Deut 17:8–11, in a case, "requiring decision between one kind of homicide and another, one kind of legal right and another, or one kind of assault and another, any case within your towns which is too difficult for you," the ensuing procedure at the temple is described as follows:

Coming to the Levitical priests, and to the judge who is in office in those days, you shall consult them, and they shall declare to you the decision. Then you shall do according to what they declare to you from that place which YHWH will choose; and you shall be careful to do according to all that they direct you; according to the instructions which they give you, and according to the decisions which they pronounce to you, you shall do; you shall not turn aside from the verdict which they declare to you, either to the right hand or to the left. (Deut 17:9–11)

bors the working of impersonal forces established the fate of the accused, in the biblical form of the ordeal YHWH would have *personally* acted as judge by *transmitting an oracular decision to the court*. According to Beyerlin, this personal acting is a distinctive feature of the Israelite god YHWH and would account for the differences between the Mesopotamian ordeals and the specific Israelite form described in 1 Kgs 8:31–32. Beyerlin's interpretation of the ancient Near Eastern ordeals in terms of the working of impersonal forces is wrong. As Bottéro clearly demonstrates, it is the *personal acting* of the god *Ea* that establishes guilt or innocence in the river-ordeal.

In Deut 19:15–21, the case in question is the appearance of a malicious witness:

Both parties to the dispute shall appear before YHWH, before the priests and the judges who are in office in those days; the judges shall inquire diligently, and if the witness is a false witness and has accused his brother falsely, then you shall do to him as he had meant to do to his brother (Deut 19:17–19b).

According to Beyerlin, in these two cases a decision is attained through an ordeal. The accused one takes a purgatory oath; YHWH issues a verdict, and the personnel of the temple execute it. This procedure becomes fully clear, Beyerlin asserts, in 1 Kgs 8:31–32:

If someone sins against a neighbor and is given an oath to swear, and comes and swears before your altar in this house, then hear in heaven, and act, and judge your servants, condemning the guilty by bringing their conduct on their own head, and vindicating the righteous by rewarding them according to their righteousness.

According to Beyerlin, this last text clearly contains the three characteristic features of the ordeal as he reconstructs it: The accused one takes a purgatory oath and enters the presence of YHWH (1 Kgs 8:31–32; Exod 22:7–10). YHWH then acts as judge and decrees a verdict determining innocence or guilt and communicates it as an oracular decision to the priests at the court. The personnel of the court execute this verdict.

Though these texts describe a procedure, according to which the local courts of the villages could appeal to the temple-court in Jerusalem in cases that went beyond their own competence, it remains to be seen whether they describe the *same* institution and whether it is that of an ordeal.

6.1.4 *Individual Complaint Psalms in the Framework of the Ordeal*

Beyerlin claims that the psalms of the individual with juridical language Pss 3, 4, 5, 7, 11, 17, 26, 27, 57, and 63 belong to this setting.¹³ All these texts, argues Beyerlin, presuppose that the petitioner is being accused of a wrongdoing. That is why these psalms are “prayers of the accused.” His accuser or the local court initiate a

¹³ It is Beyerlin’s central methodological presupposition that the “Sitz im Leben” of psalms can be established adequately only if one is able to show this Sitz im Leben described *outside* the psalms. See *ibid.*, 141 and 143.

lawsuit at the temple court, in order to obtain a punishment for the petitioner. The distress from which the petitioner is suffering is thus clearly *legal* distress and the "Sitz im Leben" of these psalms is the temple. The two parties, accuser and defendant, appear before the sacral court. The purgatory oath is a crucial element in Beyerlin's reconstruction of the ordeal. Psalm 7 is, according to Beyerlin, the prayer spoken by an individual charged with a particular crime who finds himself in the early stages of the complex cultic procedure of divine judgment in the temple.¹⁴ In response to the accusation, he addresses YHWH (vv 2-3) and gives the oath that asserts his innocence (vv 4-6):

YHWH, my God, if I have done this:
if there is wrong in my hands
if I have repaid my ally with harm
or plundered my foe without cause
then let the enemy pursue and overtake me,
trample my life to the ground and lay my soul in the dust.

The demonstrative pronoun "this" in the protasis (v 4), asserts Beyerlin, refers to the charges that were just made against the defendant. Psalm 7:4-6 is the one text among the psalms with judicial language in which the purgatory oath appears.¹⁵ According to Beyerlin, Psalm 7 establishes a direct textual link between the psalms of the individual and the prose texts in Deuteronomy and 1 Kings 8. It enacts, maintains Beyerlin, the procedure described in 1 Kgs 8:31-32. Psalm 7, therefore, argues Beyerlin, needs to be interpreted in the framework of the institution of sacral judgment. In the further course of the legal proceedings the petitioner had the chance to direct a prayer to YHWH (namely, Ps 7:7-10). Vv 7-10, the petitioner's appeal to YHWH, the universal judge, reflect the traditional phraseology of the Jerusalem temple theology and are thus, according to Beyerlin, a further indication that the ordeal took place in the temple. The *personal* acting of God in the specific Israelite form of the ordeal would have allowed for these *prayerlike appeals* to YHWH in the course of an ordeal procedure.¹⁶ After having taken the oath and appealed

¹⁴ Cf. Beyerlin's interpretation of Psalm 7 (*Die Rettung der Bedrängten*, 95-101).

¹⁵ The other psalms, in which the purgatory oath is missing, must, therefore, reflect procedural stages that either precede or follow upon the taking of the purgatory oath.

¹⁶ *Ibid.*, 60.

to YHWH, the psalmist entered the presence of YHWH; YHWH issued an oracle, and the personnel of the court carried out the punishment of the guilty (Ps 7:13–17). Other psalms would reflect different stages of the same procedure.

The individual complaint psalms with juridical language thus reflect the situation of *falsely accused* individuals. In none of the prayers is the accused person actually guilty of the crimes he is being charged with.¹⁷ Though Beyerlin concedes that suspects who in the course of the legal proceedings turned out to be guilty might also have addressed prayers to YHWH, the process of tradition preserved only the prayers of the innocent, that is, of those who were acquitted in the trial.¹⁸

6.1.5 *The Ordeal in Light of Individual Complaint Psalms*

Once Beyerlin has secured that the psalms of the individual with juridical language have their setting in the hypothetically reconstructed institution of sacral judgment, he uses these psalms as documents that can give a more detailed description of the working of this *institution*,¹⁹ details that are not mentioned in Deut 17:8–13, 19:16–21, and 1 Kgs 8:31–32. The details are the following:

1. Before being admitted to the temple where the judgment would take place, the accused had to subject himself to a preliminary inquiry at the temple gates (Ps 5:5–8). If he passed this preliminary examination and was admitted to the sacred precinct, he could take this as a sign for the positive outcome of the ensuing trial.
2. The legal proceedings proper open with the charges being declared against the defendant (Ps 7:4). He responds with the pledge of not-guilty (Ps 26:3–5) and a purgatory oath (Ps 7:4–6). Upon this follows the judicial examination of the accused.
3. The defendant appeals to the court (e.g., Ps 7:7–10).
4. The central event in the course of the proceedings of this judicial institution was the *theophany* of YHWH in the temple, expected

¹⁷ Beyerlin himself finds it “difficult to explain that, according to the psalms in question, the petitioner never regards the divine judgment as a threat to his own person.”

¹⁸ See *ibid.*, 64–65.

¹⁹ *Ibid.*, 143–147.

to occur in the early morning (Ps 5:3). Beyerlin determines it quite cryptically as the "presentation or turning away of the divine *panim*."²⁰ Priestly inquiry established the positive or negative meaning of the theophany in a more or less technical procedure (Ps 27:8-9), similar to the diviner's interpretation of an oracle. The sacral court's authoritative verdict was then carried out either by the personnel of the temple court, or its implementation was delegated back to the local civic court.

The complete procedure has, in the framework of Beyerlin's interpretation of Deut 17:8-13, 19:16-20, and 1 Kgs 8:31-32, and complemented through the details gained from the psalms, the following stages:

1. Preliminary inquiry (e.g., Ps 5:5-8)
2. Legal proceedings
 - a. The charge against the accused (Ps 7:4)
 - b. The plaintiff's pledge of "not guilty" (Ps 26:3-5)
 - c. The plaintiff's oath of purification (7:4-6)
 - d. The judicial examination of the accused in YHWH's name (7:10b; 17:3-5; 26:2)
3. The appeal to the court (3:8; 7:7; 17:13; 57:6,12)
4. The judicial verdict

Cultic theophany at dawn: YHWH's *panim* being presented or turned away from the plaintiff: 11:7; 17:2,5; 27:8-9
5. Execution of the judicial decision
6. Toda²¹

This ritual itself was fixed and stable. Only the prayers that a petitioner could utter in the framework of this institution varied, depending on the specific needs of each individual case and on the specific section of the ritual in which he uttered his prayer. The different psalms preserved belong to different stages and reflect the enactment of different phases of the same institution, without, however, forming in any way a sequence.²² Beyerlin assigns its specific place in the overarching framework of the legal procedure to each of Pss 3, 4, 5, 7,

²⁰ Ibid., 145f. with reference to Ps 11:7; 17:2,15; 27:8-9.

²¹ Ibid., 144-146.

²² Ibid., 40.

11, 17, 26, 27, 57, 63. Thus, a variety of prayers was related to the institution.²³ Their shared feature was the use of juridical language.²⁴

We have looked at Beyerlin's interpretation in some detail, because we wanted to show that, in order to find an answer to his basic question, namely, "how the deliverance of the oppressed in the enemy-psalms of the individual occurred in practice," Beyerlin makes the psalmist into an accused one who is being subjected to the procedures of a legal institution, claiming this to be the distress from which the petitioner has to be rescued.²⁵ At the same time, Beyerlin's reconstruction answers the question concerning the deliverance of the oppressed without having to rely on any theological notion of divine agency. The institution is a closed functional system. The only place where a divine dimension plays a role is in the divine judicial

²³ The only distinction Beyerlin makes is whether prayers really still presuppose the institution itself or whether they refer to it only in a spiritualized form. Beyerlin takes Pss 9–10, 12, 25, 54–56, 59, 62, 64, 86, 94, 140, 142, 143 as referring to the institution in a spiritualized form (*Die Rettung der Bedrängten*, 18–42). The category of spiritualization implies an institutional setting as the *original* setting of the psalms. Since we will demonstrate that the institution with its implications of *physical* protection, acting of the temple personnel, ordeal, and the like, is an artificial entity, the category of spiritualization becomes a fictive entity as well. We will rather show that the psalms presuppose God's acting, and this cannot be interpreted in terms of the opposition between *institution* and *spiritualization*.

²⁴ Recently, K. van der Toorn has supported Beyerlin's thesis of an ordeal at the Jerusalem temple (K. van der Toorn, "Ordeal Procedures in the Psalms and the Passover Meal," *VT* 38 [1988] 427–445). Van der Toorn presupposes Beyerlin's assumption that the setting of the psalms is an *ordeal*, a setting that Beyerlin had reconstructed on the basis of prose texts. He only discusses the concrete shape and form of this ordeal and tries to reconstruct it on the basis of the evidence present in the psalms themselves. For him, the ordeal is a drinking ordeal. Together with his accusers, the accused psalmist has to participate in a festive meal in the temple. In the course of this meal, he has to drink wine from the cup of the ordeal, and he has to spend the night in the temple. If he survived this night and happened to see God's face at dawn, that is, if he happened to be alive at sunrise, his innocence was established. If he did not survive the night, it was clear that he was guilty of the crime that he had been charged with. This ordeal would explain the frequent allusions in the psalms to waking up safely, the confidence to see God's face in the morning, and the anticipation of dawn by making music (Psalm 57). According to van der Toorn, rather than being the act establishing the verdict, the theophany at dawn is the salvific conclusion of the ordeal for the one who had survived the night in the temple.

²⁵ The "psalms of complaint of the individual with juridical language" represent a category created by Beyerlin, and it has a very shaky basis. It is, however, taken as a given by K. Seybold in his commentary on the Psalms; he interprets these psalms in the setting that Beyerlin has hypothetically reconstructed. We will see that with the questioning of Beyerlin's hypothetical institution this categorization of the psalms loses its basis as well. These psalms will have to be interpreted on the basis of their own poetic structure.

decision itself. We will see, in the following, that Beyerlin's reconstruction of the institution of the ordeal and his interpretation of Psalm 7 in its framework does not have an exegetical basis:

1. Beyerlin's reconstruction of the ordeal itself is questionable. He created an institution consisting of diverse elements taken from Deut 17:8-13, 19:16-20, 1 Kgs 8:31-32, and the psalms of the individual with juridical language. Contrary to what Beyerlin maintains, Deut 17:8-13, 19:16-20, and 1 Kgs 8:31-32 do not describe the *same* institution, namely, as he maintains, an *ordeal* with distinct features. These texts rather are incompatible with each other and refer to *different* institutions. Only 1 Kgs 8:31-32 describes an ordeal, an ordeal, however, that does not correspond to the concept of ordeal presupposed by Beyerlin.

2. In the context of an ordeal, there was no point in protesting one's *innocence*, since the ordeal was the divinely administered institution that, were it the case, would safely establish this innocence anyway. Only in the case of one's *guilt* did it make sense to direct a prayer to the deity, namely, in order to ask for *forgiveness*. The *penitential* psalms, psalms in which the petitioner admits his guilt, could thus be prayers to be spoken in the context of an ordeal, not, however, Psalm 7, a prayer to the divine judge, urging him to rescue the petitioner from his enemies. According to our own reconstruction of the setting of Psalm 7, the *appeal* to the judge takes place at dawn. There is no indication at all that the psalmist is being accused in a legal sense and that this legal conflict is the cause of his distress. Were he in a *legal* conflict, he could calmly trust in YHWH's function as incorruptible judge in the ordeal procedure.²⁶ Rather, *he* initiates the

²⁶ The fundamental objection to Beyerlin's proposal is that the crimes that make the enactment of an *ordeal* necessary (adultery, petty-theft, etc.) and the legal distress that this signifies for a suspect, do not in any way correspond to the distress that the psalmist is in. The psalmists are not being accused of a crime in a legal sense. They are not threatened by legal opponents in conflicts concerning stolen property, etc. Their prayers are not "prayers of the accused" (H. Schmidt). Rather, their enemies are threatening to take their *lives*. From these machinations the petitioner is fleeing. *He* initiates a lawsuit to YHWH, asking to be rescued from his plight through a divine judicial verdict. Also in the Babylonian textual corpora there is a clear distinction being made between the judicial instrument of the *ordeal* for solving difficult legal cases in which the *accuser* has the central role, and the *incantations* to Shamash, the judge, in which the *petitioner*, that is, the person beset by illness or the machinations of demons and sorcerers, takes the initiative and asks for the rescue from the machinations of these evil powers.

legal procedure. His distress is *existential*. He appeals to YHWH, the judge, asking to be delivered from the enemies who threaten to take his *life*. This points to a different horizon of the prayer.

We will first demonstrate on internal grounds the hypothetical character of the institution of the ordeal by interpreting Deut 17:8–13 and 1 Kgs 8:31–32 (6.2.1 and 6.2.2). It will then become obvious that rather than reacting to an accusation in the context of an ordeal procedure, the petitioner of Psalm 7 initiates the lawsuit to YHWH in order to be rescued from a distress that threatens his whole existence.

6.2 CRITIQUE: THE HYPOTHETICAL CHARACTER OF THE CULTIC INSTITUTION

6.2.1 *Deut 17:8–13, 19:16–20: Instruction from the Deuteronomic Torah*

Deut 17:8–13 and 19:16–20 describe a priestly temple court in charge of the cases that were too difficult for the local courts of the villages. According to Beyerlin, the court uses the *ordeal* as the procedure to establish innocence or guilt. The suspect has to swear a purgatory oath and enter YHWH's presence before the altar. YHWH then decrees a verdict that the personnel of the court implement. However, Deut 17:8–13 and 19:16–21 do not mention a purgatory oath. Rather, according to the texts, *judges and levitical priests* attain a verdict on the basis of their *interpretation of the torah*. Georg Braulik argues convincingly that Deut 17:8–13 presupposes that,

Levitical priests keep the Deuteronomic torah's "original manuscript" in the Jerusalem temple (31:9, 17:18). The central court can thus, especially in complicated cases, rely on a competent first hand information from the law, and it is, therefore, superior to any local court. That the torah is, in fact, used in establishing the judicial verdict is safeguarded by the fact that priests and judges together "proclaim" the judicial verdict (vv 9, 10, 11). This verb is being used in Deut only for very important pronouncements: 4:13, 5:5, 26:3, 30:18).²⁷

Deut 17:8–13 and 19:16–20 do not prescribe the enactment of an ordeal. Not an oracle, attained through an ordeal, establishes the verdict. Rather priests and judges "proclaim" the verdict in the form

²⁷ G. Braulik, *Deuteronomium II, 16,18–34,12* (NEchtB 28; Würzburg: Echter, 1992) 126f.

of a "torah," an instruction that they have gained from the Deuteronomic law and that has to be followed diligently by those who asked for guidance.

Deut 19:16–20 concerns the problem of a false accusation. Both parties have to come "before YHWH." Again, *the judges* have to make the inquiry (v 18), and they establish the facts through rational means.²⁸ Beyerlin interprets Deut 17:8–13 and 19:16–20 as an ordeal because he *presupposes* that these texts have to be read in conjunction with 1 Kgs 8:31–32 and refer to the same institution of an ordeal of which the purgatory oath is an integral part. There is, however, no basis for this presupposition.

6.2.2 1 Kgs 8:31–32: YHWH's Acting as Judge Through the Activation of Curses

In Beyerlin's reconstruction of the ordeal the purgatory oath plays the central role. According to him, Ps 7:4–6 is the one text among the individual complaint psalms in which this purgatory oath that 1 Kgs 8:31–32 allegedly refers to is explicitly enacted.²⁹ In the following, we will see that in 1 Kgs 8:31–32 a purgatory oath does not play a role at all and that there is, therefore, no connection between 1 Kgs 8:31–32 and Psalm 7.

The crucial problem for the interpretation of 1 Kgs 8:31–32 is the meaning of the phrase *wēnāšā'-bô 'ālā lēha'ālōtō*, in v 31. Beyerlin translates it as, "he is given an oath to swear," that is, he is to swear a *purgatory oath*. Beyerlin translates 1 Kgs 8:31–32 as follows:³⁰

If someone sins against a neighbor and is given an oath to swear (*wēnāšā'-bô 'ālā lēha'ālōtō*), and enters the oath (*ûbā' 'ālā*) before your altar in this house, then hear in heaven, and act, and judge your servants, condemning the guilty by bringing their conduct on their own head, and vindicating the righteous by rewarding them according to their righteousness.

According to Beyerlin, the accused one is asked to swear a *purgatory oath*, through which he asserts his innocence. He then enters the presence of YHWH, who acts as judge. This corresponds, asserts Beyerlin, to the situation expressed in Ps 7:4–6 where, according to

²⁸ Ibid., 143.

²⁹ The setting of all the other psalms would either precede or follow upon this decisive part of the ordeal.

³⁰ Beyerlin, *Die Rettung der Bedrängten*, 59. Beyerlin's translation corresponds roughly to that of the NRSV.

Beyerlin, the petitioner speaks a purgatory oath as well (vv 4–6) and exposes himself to YHWH's acting as judge (vv 7–10). In Ps 7:4–6 it is indeed the petitioner, or, in Beyerlin's terminology, the "accused" one, who speaks some form of an oath.³¹ However, this is not the case in 1 Kgs 8:31–32. Beyerlin's translation of *wēnāšā'-bô 'ālā lēha'ālōtō* as "to give the accused an oath to swear" is misleading. Instead, 1 Kgs 8:31–32 has to be translated as follows:

If someone sins against his neighbour and he calls down a curse upon him (*wēnāšā'-bô 'ālā*),³² in order to put him under (the efficacy of) an imprecation (*lēha'ālōtō*),³³ and he takes his stand under the curse (*ûbā' bē'ālā*)³⁴ before your altar in this house, then hear in heaven, and act, and judge your servants, condemning the guilty by bringing their conduct on their own head, and vindicating the righteous by rewarding them according to their righteousness.³⁵

In 1 Kgs 8:31–32 a person, accused of a crime, is obligated to expose himself to a curse laid upon him by his accuser and to enter, being under the power of this curse, the sacral sphere of YHWH's presence before the altar in the temple. The *accuser pronounces a curse over the accused*: "he calls down a curse upon him, in order to put him

³¹ We will see further below that Ps 7:4–6 is not a purgatory oath but rather an *abiuratio* with which the petitioner prepares for the appeal to the divine judge. The *abiuratio* "is related to the 'negative confession' that the deceased one in the Egyptian Book of The Dead makes before he enters the 'Hall of Truth' where Osiris and the 42 judges of the dead are enthroned. . . . it serves to prepare for the encounter with the deity and to invoke his judicial acting in favor of the one who is standing before him (Friedrich Horst, "Der Eid im Alten Testament," in *Gottes Recht. Studien zum Recht im Alten Testament* (TBü 12; Munich: Chr. Kaiser, 1961) 295–296.

³² Read *nāšā'* instead of *nāšā'*. Cf. H. Chr. Brichto, *The Problem of "Curse" in the Hebrew Bible* (JBL Monograph Ser. XIII; Philadelphia, 1963) 53–54; *HALAT* s.v. *'ālā*: *nāšā' 'ālā bē*: "Verfluchung aussprechen über."

³³ *'ālā* I hif. does not mean "to swear" but "unter Fluch oder Verwünschung stellen" (*HALAT* s.v. *'ālā* I). Cf. 1 Sam 14:24; 2 Chr 6:22.

³⁴ Read *ûbā' bē'ālā* instead of *ûbā' 'ālā* MT.

³⁵ Cf. also Ernst Würthwein's translation of v 31: "Wenn jemand sich gegen seinen Nächsten verfehlt und man eine Verfluchung über ihn ausspricht, um ihn unter Fluch zu stellen, und er sich 'unter' die Verfluchung stellt vor deinem Altar in diesem Hause . . ." (*Die Bücher der Könige. 1 Könige 1–16* [ATD 11/1; Göttingen: Vandenhoeck & Ruprecht 1977] 92). Cf. his interpretation *ibid.*, 97–98. See also Brichto, *The Problem of "Curse" in the Hebrew Bible*, 54: "The meaning of the passage becomes quite clear if *'ālā* is taken in its basic force of 'contingent imprecation.' The translation would be as follows, 'If someone commit an offense against his fellow and the latter takes up an imprecation against him to bring him under the power of a curse, may (or, and) that (conditional) imprecation come(s) before your altar in this temple . . .'" (Brichto reads *ûbā' 'ālā* with MT).

under (the efficacy of) an imprecation." The accused person takes the accuser's curse upon himself and enters the sacral sphere of YHWH's presence. In this very act the disputed matter is settled. YHWH activates or annuls the curse in accordance with guilt or innocence of the person subjected to the ordeal.³⁶

nāsā'-bô 'ālā does not mean that the accuser "gives him an oath to swear," namely, an *exculpatory oath*, as Beyerlin interprets this phrase, in order to establish the parallel with the psalmist's alleged exculpatory oath in Ps 7:4-6.³⁷ The *hif'il* inf. constr. + suffix 3. masc. sing. form *lēha'ālōtō* in 1 Kgs 8:31-32 means 'to place someone under (the efficacy) of a curse.'³⁸ The *accuser* calls a *curse* down upon the accused. He "lays a curse upon him." A parallel phrase to *nāsā' 'ālā bē* is *nātan 'ālā bē*. In Deut 30:7, Moses announces to the people: "YHWH your God will put all these curses on your enemies and on the adversaries who took advantage of you." Rather than "giving Israel's enemies an oath to swear," YHWH enforces and activates those curses against Israel's enemies that Moses has just recited. That the *accuser* pronounces a curse over the accused, as is the case in 1 Kgs 8:31-32, is a characteristic feature in several other Old Testament passages.

In Numbers 5 the priest calls a curse down upon a woman whose husband wants to establish whether she has been unfaithful or not.³⁹ Bringing the woman before YHWH, the priest holds in his hand "the water of bitterness that brings the curse. While the woman

³⁶ Brichto, *The Problem of "Curse" in the Hebrew Bible*, 22-76, has demonstrated convincingly that "the basic meaning of the noun *'ālā* is curse, imprecation, sanction" (ibid., 40), rather than "oath." In the context of 1 Kgs 8:31, Brichto speaks of *'ālā* as an *adjuration*: "an address to a second person from whom no response is desired or indicated, i.e., the simple pronouncement, or invocation, of a curse against that person if he has committed a given act" (ibid., 41). See also J. Scharbert, "Art. *'ālā*," *TWAT* I, 279-285: "Eine *'ālā* dient in einem Gerichtsverfahren zur Klärung der Schuldfrage nach Art eines Ordals. Dabei stellt der Richter oder der Ankläger den Angeklagten unter einen Fluch, der sich erfüllen soll, falls der Angeklagte schuldig ist" (ibid., 281).

³⁷ "The translators, ancient and modern, are virtually unanimous in understanding the text as referring to the exaction or imposition of an exculpatory oath" (Brichto, *The Problem of "Curse" in the Hebrew Bible*, 53). Brichto stresses, in contrast, that "to cause someone to take an oath" is, in the Old Testament, almost always expressed with the *hif.* of *šb'* (ibid., 48).

³⁸ Cf. *HALAT* s.v. *'ālā* I: "unter Fluch oder Verwünschung stellen."

³⁹ For the following interpretation see Brichto, *The Problem of "Curse" in the Hebrew Bible*, 49-52. Cf. also Scharbert, "Art. *'ālā*," *TWAT* I, 281. For the structure of the ritual see Tikva Frymer-Kensky, "The Strange Case of the Suspected *Sotah* (Numbers

remains passive, the priest lays the following curse *upon* her (Num 5:19b–22):

“If no man has lain with you, if you have not turned aside to uncleanness while under your husband’s authority, be immune to this water of bitterness that brings the curse.

But if you have gone astray while under your husband’s authority, if you have defiled yourself and some man other than your husband has had intercourse with you . . . YHWH make you an execration and an oath among your people, when YHWH makes your uterus drop, your womb discharge; now may this water that brings the curse enter your bowels and make your womb discharge, your uterus drop.”

And the woman shall say, “Amen. Amen.”

The priest pronounces the curse; the accused woman, brought before YHWH, is exposed to its reality; she merely affirms it.⁴⁰ The power of the curse, to which the woman is exposed, is reinforced when, subsequently, the priest writes the curses down, washes them off into “the water of bitterness that brings the curse,” and gives this potion to the woman to drink. If she happens to be guilty, the curse, materialized in the “water of bitterness,” will realize its efficacy. She will become an *’ālā* (v 27). If she is innocent, it will not do harm to her.

This parallel illustrates the meaning of the formulation *nāsā’ ’ālā bē* and *’ālā hif.* in 1 Kgs 8:31–32. Also in 1 Kgs 8:31–32 the accuser lays the curse on the accused. Under the efficacy of this curse the accused has to enter YHWH’s presence before the altar and here it will show whether he is guilty or innocent. YHWH enforces the curse.

A further example for the meaning of *’ālā hif.* as ‘to place someone under (the efficacy of) a curse’ is 1 Sam 14:24.⁴¹ Before sending his troops into battle against the Philistines, Saul “had laid a curse on the troops (*’ālā hif.*), saying, ‘Cursed be anyone who eats food before it is evening and I have been avenged on my enemies.’” Later, when Saul directs an inquiry to YHWH, he does not receive an answer. Saul realizes that somebody must have activated the curse

V 11–31),” *VT* 34 (1984) 11–26. For the interpretation of this ritual and the position of women in Israelite society that it reflects, see Katharine Doob Sakenfeld, *Journeying With God. A Commentary on the Book of Numbers* (ITC; Grand Rapids: Eerdmans, 1995) 35–39: “The tone of the text . . . suggests an androcentric focus in which men are given a ritual means of obtaining evidence to support their suspicions about their wives’ behavior” (*ibid.*, 35–36).

⁴⁰ Cf. Brichto, *The Problem of “Curse” in the Hebrew Bible*, 51: “The words of the priest are direct discourse (i.e., the priest does all the talking).”

⁴¹ 1 Kgs 8:31 and 1 Sam 14:24 are the only passages in the Old Testament where *’ālā* is used in the *hif.*

that he had laid on the troops. The violation of the oath disturbs the communication between the human and the divine sphere. When it turns out that his own son Jonathan, unaware of the curse, had violated it by eating honey, Saul sees no other way out than to put him to death. Only the people's *intercession* saves Jonathan from the death that the curse entails; it reestablishes the disturbed communication between human and divine sphere. 1 Sam 14:24 clearly indicates that the curse is not spoken by those who are under its efficacy. Rather it is laid upon them by someone else, in this case by king Saul. In all these descriptions of the curse, there is no mentioning of a purgatory oath to be taken by the suspect.

In Psalm 7, in contrast, the *victim* who, as we will see below, is not under an accusation and is *not* being charged with a crime, appeals to YHWH, the judge. The petitioner does speak an oath in vv 4–6:

YHWH, my God, if I have done this:
if there is wrong in my hands
if I have repaid my ally with harm
or plundered my foe without cause
then let the enemy pursue and overtake me,
trample my life to the ground and lay my soul in the dust.

This is an *abiuratio*.⁴² The fact that in Psalm 7 the petitioner and not, as in 1 Kgs 8:31–32, the *accuser* is speaking, shows that Psalm 7 cannot be understood in the framework of an ordeal. There is no connection at all between 1 Kgs 8:31–32 and Psalm 7.

6.2.3 Summary: *YHWH's Acting as Judge in 1 Kgs 8:31–32*

In 1 Kgs 8:31–32 the *accuser* pronounces a curse, rather than the *suspect* a purgatory oath. Under the power of this curse, the suspect enters YHWH's presence. If he is guilty, YHWH will activate the curse. In 1 Kgs 8:31–32, YHWH does not issue a verdict that is then implemented by the human court; rather, *YHWH is directly involved in executing the judicial verdict*. 1 Kgs 8:31–32 does not involve any human court. That is, the Old Testament concept of ordeal parallels the ancient Near Eastern one. Beyerlin's concept of an *ordeal*,

⁴² Ps 7:4–6 is not a purgatory oath. A purgatory oath would have to be spoken in the course of the enactment of a procedure such as that described in Exod 22:7–10; in it, the accused, by speaking the purgatory oath, is freed from all suspicions (decisory character of the oath). Cf. F. Horst, "Der Eid im Alten Testament," 295.

according to which a divine verdict is to be implemented by the personnel of the court, has no textual basis. Beyerlin had argued that the specific *personal* acting of YHWH manifested itself in YHWH's giving an oracle. We now see that YHWH does act personally in *executing the punishment*. The activation of the curse in 1 Kgs 8:31–32 and in Num 5 is very similar to the working of the ordeal in Mesopotamian texts. One cannot attribute it to the working of impersonal forces. Rather, in it the deity is acting directly. YHWH activates or annuls a curse that will haunt the evildoer. YHWH alone is the agent here.

Beyerlin's institution of sacral judgment results only if one *presupposes* that the texts he adduces (Deut 17:8–13, 19:16–21, 1 Kgs 8:31–32) refer to the *same* hypothetical institution of an *ordeal* that has the three characteristic features mentioned above (purgatory oath, YHWH's issuing of a verdict, its implementation through the court-personnel). As we have seen, in none of the texts the institution, reconstructed by Beyerlin, is present as such. The *Deuteronomy* texts in and by themselves speak only of a judicial activity of a priestly law-court at the temple. They do not speak of YHWH's judicial activity. 1 Kgs 8:31–32, in contrast, is an ordeal, in which YHWH acts as judge. However, a purgatory oath does not play a role in it. Further, this text does not mention any involvement of priests or the personnel of the court in the execution of the verdict. In 1 Kgs 8:31–32 the divine curse realizes its efficacy independently from human mediation. YHWH activates the curse in a direct way so that it affects the violator but does not do harm to the righteous one. The institution that Beyerlin has reconstructed is thus an artificial entity. It has no textual basis.⁴³

6.3 YHWH'S ACTING AS JUDGE IN THE INDIVIDUAL COMPLAINT PSALMS

The fact that Beyerlin's concept of an ordeal has no basis in the texts has consequences for the interpretation of the psalms of the individual with juridical language. Ps 7:4–6 was Beyerlin's link that connected

⁴³ Only Exod 22:7–10, a procedure to be enacted in the case of unsolvable criminal cases, could perhaps correspond to the setting that Beyerlin reconstructs. It, however, is not an ordeal. Rather, here the purgatory oath decides the case. By taking the oath upon himself, the suspect clears himself.

the psalms of the individual to the institution of the ordeal at the temple. The above interpretation of 1 Kgs 8:31–32 has demonstrated that there is no connection between 1 Kgs 8:31–32 and Psalm 7.

Psalm 7 cannot be understood in the context of an ordeal. There was no point to protest one's innocence in the course of an ordeal. Only the guilty one could admit his guilt and ask for forgiveness. This, however, is not the case in Psalm 7. Psalm 7 is the prayer of an innocent one. This prayer to the divine judge is to be understood in a different context. The *psalmist* is the one who initiates the lawsuit to YHWH. She depicts her opponent as an *enemy* who is going after her life and from whom she needs to be rescued (e.g., Ps 7:2–3). That is why she initiates a lawsuit to YHWH. She appeals to the *divine* judge whose court is assembled in *heaven*. Her appeal to YHWH the judge is her last resort against the persecution that she is suffering. That is why the petitioner sees the divine judgment "always as a salvific event for himself."⁴⁴

Ps 7:4–6 is an "abiuratio" that prepares for the encounter with the deity whom the petitioner will invoke to act in her favor. The petitioner, who has been persecuted by enemies and whose life is threatened, appeals to the *divine* judge to be rescued from her plight. In order to appeal to the divine judge, asking YHWH to issue a judicial verdict in her favor, the petitioner declares her righteousness. This declaration of innocence in the form of a self-imprecation is the precondition for the appeal to YHWH, the judge. After this declaration of innocence, the closest parallel to which is Job's "abiuratio" in Job 31, the petitioner directs her appeal to YHWH who presides as judge over the divine assembly in the height (vv 7–10). Vv 13–17 describe the punishment of the enemies in wisdom-terminology as a *self-annihilation*. This self-destruction occurs without the interference of a human authority. The petitioner enters the temple only *after* she has been rescued, *in order to give thanks in the community of the faithful*.⁴⁵

⁴⁴ Beyerlin, *Die Rettung der Bedrängten*, 64.

⁴⁵ The petitioner's appeal to the divine judge does not take place in the temple but rather at the place of the distress. Only a few psalms clearly refer to the temple as their setting in life (e.g., Psalm 17). Other psalms are clearly spoken outside the temple (e.g., Pss 3, 4, 5, and 7). In fact, in most psalms, the call for help and the experience of the rescue occur *outside* the temple (see e.g., Pss 3 and 4).

6.4 CONCLUSION

Our basic question is how YHWH acts so that the psalmists' change of mood from lament to joy becomes understandable. Beyerlin proposed that an *ordeal* is the institution in the course of which the psalms have to be understood and that accounts for the petitioner's rescue. We have looked at Beyerlin's hypothesis from a broad angle and have come to the conclusion that the institution of sacral judgment is a construct. Beyerlin's reconstruction of the institution itself, his interpretation of the psalms in this framework, and, in turn, his enhancement of the artificial institution with details from the psalms have no textual foundation. The one ordeal text 1 Kgs 8:31–32 does attribute the deliverance of the innocent and the punishment of the guilty to *YHWH's agency*; YHWH acts by activating the curses against their violator. This, however, is not the situation that can be presupposed in Psalm 7. This is not "how the deliverance of the oppressed in the enemy-psalms" comes to pass. The one who is subjected to an ordeal is, in principle, in a juridically secure position. In case of his or her innocence, he or she can trust in that YHWH is the one who administers the ordeal and issues a verdict. In the context of an ordeal an appeal to the judge would make sense only in the case of a person's *guilt*. That is what occurs in 1 Sam 14 where the people *intercede* for Jonathan who is guilty and whose guilt has already disturbed the communication between the human and the divine sphere. In response to the people's intercession for Jonathan, YHWH indeed *changes* the verdict and forgives Jonathan.⁴⁶ The petitioner of Psalm 7, in contrast, is innocent, and he is in an outlawed situation. His life and whole existence is being threatened. That is why he appeals to YHWH, the judge, to rescue him. The psalmist experiences his deliverance in that the evil deeds that his enemies direct at him revert against these enemies and attack *them*. In both cases, in the activation of curses (1 Kgs 8:31–32) and in the reversion of evil against its doer (Ps 7:13–17), we encounter *YHWH's agency as judge*. We will see that Psalm 7 is similar to Assyro-Babylonian incantations to Shamash, the supreme judge of the gods; in them, a peti-

⁴⁶ There would be no need for an accused person subjected to an ordeal to direct a prayer to YHWH. Since the ordeal is a divine institution, it is reliable and cannot be manipulated. A person who is falsely accused could thus safely rely on his or her innocence to be established in the course of the procedure.

tioner appeals for a verdict undoing the enemies threatening him.

The setting of the psalms of complaint of the individual with juridical language cannot be reconstructed on the basis of *prose* texts.⁴⁷ Rather, it has to be reconstructed with the help of texts of the same genre, that is, other *prayers* to the divine judge. Psalm 7 and the other prayers that scholars relate to the institution of sacral judgment are not "prayers of the accused." Once one leaves aside the institution that Beyerlin has reconstructed, it becomes clear that there existed, at the temple and independently from the temple, at the same time, *different* institutions of judgment: an institution of sacral judgment administered by priests (Deut 17:8–13 and 19:16–20), an ordeal involving YHWH's judging activity (1 Kgs 8:31–32); both of these had their setting at the temple. There is also the ordeal in which an *accuser* subjects an opponent to an ordeal and addresses a prayer to the deity appealing to the divine judge to execute judgment. There further are appeals to YHWH, the heavenly judge, to rescue the petitioner from existential distress (Psalm 7). Among these, some were pronounced in the temple, others in the very situation of distress.

A *positive* result of the examination of Beyerlin's hypothesis is that in the *context of an ordeal* (1 Kgs 8:31–32) YHWH acts as judge independently from human acting. This is an important first response to our basic theological about divine agency. In the ordeal procedure, the *accuser* appeals to the divine judge; his enemy is the accused one.⁴⁸ The accuser is not in existential distress but wants to correct an injustice done to him.

The distress of the petitioner in Psalm 7 and the way how YHWH's execution of the verdict overcomes the enemies and eliminates their evil will come to the fore only when we undertake the comparison with the Assyrian and Babylonian *incantations* to Shamash, the judge. In the following, we will, however, first look at a further proposal to understand in Psalm 7 in the context of an *ordeal*.

⁴⁷ In fact, there is no basis for subsuming the psalms that Beyerlin has labeled *psalms with juridical language* under the same heading, relating them to the same social setting. The use of juridical language is too vague a criterion for establishing a common background. One will have to interpret them as poetic units that have to be understood in the context that their own textual and semantic structure evokes.

⁴⁸ Beyerlin turns this around. For him, the *accused one* appeals to the divine judge. As we will see in the following, it is, in the context of the ordeal, always the *accuser* who directs his prayer to the divine judge, asking for divine intervention.

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CHAPTER SEVEN

GOD'S ACTING AS JUDGE IN THE CONTEXT OF TREATY VIOLATIONS

7.1 AN "ALLIANCE BACKGROUND" OF PSALM 7?

There is another proposal that interprets Psalm 7 in the framework of an ordeal, namely an "ordeal by battle." In this proposal, however, a notion of ordeal is presupposed that assumes the agency of the deity, rather than, as in Beyerlin's concept, replacing it with the acting of the personnel of the temple. According to Jeffrey Tigay's proposal, the exculpatory oath in Ps 7:4–6 points to an "alliance background" of Psalm 7.¹

Tigay uses the prayer of Tukulti-Ninurta I² as a parallel to Psalm 7 and as textual evidence for understanding Psalm 7 in the context of an ordeal by battle. We will first deal with Tigay's philological arguments for interpreting Psalm 7 in such a context, even though we have already seen in the previous chapter that Psalm 7 cannot be interpreted in the context of an ordeal. Next, we will deal with Tukulti-Ninurta's prayer to Shamash, the judge, and analyze how the deity acted as judge in the context of an ordeal by battle.

Similarly to Beyerlin, Tigay assumes that Psalm 7 reflects the situation of a legal process in which the petitioner's oath is his *reaction* to a charge brought against him. According to Tigay, the petitioner of Psalm 7 is accused of supporting his treaty-partner's enemy, thus betraying the treaty between them. He accuses the petitioner of a *breach of international law*, and Psalm 7 is the psalmist's response to the accusation of treaty violation.

A lawsuit to a God in the course of which an accuser indicts the alleged treaty-violator has the purpose to move the deity to put into

¹ Jeffrey H. Tigay, "Psalm 7:5 and Ancient Near Eastern Treaties," *JBL* 89 (1970) 178–186.

² See the translation of the "Tukulti-Ninurta Epic" in Benjamin R. Foster, *Before the Muses. An Anthology of Akkadian Literature* (Bethesda, MD: CDL Press, 1996) 211–230. For the edition see Peter Machinist, *The Epic of Tukulti-Ninurta I. A Study in Middle Assyrian Literature* (Yale University Dissertation, 1978).

effect the curses that are documented in the written form of the treaty. Therefore, in the context of treaty-violations the divine verdict comes to pass *primarily* in that the oathbreaker is seized by the curses that the deity has activated against him. On a subordinated level it comes to pass in the ensuing battle in which the righteous one is supposed to obtain victory and the evildoer to suffer defeat. Lawsuits involving treaty violations are thus related to the ordeal delineated in 1 Kgs 8:31–32, in which, similarly, the activation of the curse against the oathbreaker is the way in which the divine judge intervenes.

We have already seen that in the context of the ordeal it is the *accuser* who appeals to the deity. For the *accused* one it made sense to direct a prayer to God only in order to admit his *guilt* and to ask for *forgiveness*. It was useless for him, however, to stress his *innocence*, since this innocence would come to the fore in the course of the ordeal anyway. In Psalm 7, the petitioner does not react to an accusation. He rather *initiates* a lawsuit in order to be rescued from the enemy who threatens his whole bodily existence, whether in the form of curses, witchcraft, and the like. That is, there are different reasons why one could initiate a lawsuit to a deity. The breach of a treaty by the treaty-partner and the *accuser's* subsequent call for an ordeal by battle is a very different motif for a lawsuit than a *victim's* call to the deity to issue a verdict to rescue him or her from the forces of evil.

Tigay's crucial argument for the alliance background of Psalm 7 is that the basic and original meaning of the verb *hillēš* in the petitioner's oath in vv 4–6 is 'to rescue, deliver.' The accurate translation of Ps 7:5 is, according to Tigay: "If I have repaid my ally with evil and *rescued* his enemy . . ."³ Against those commentators who argue that 'to rescue one's enemy' (v 5), can hardly be considered a charge worthy to deny and who translate this verb as 'to plunder,' obtaining a meaning according to which the petitioner would defend himself against the accusation of having *plundered* his enemy, Tigay asserts that the one context in which the rescue of an enemy is indeed considered a *crime* is that of alliances and treaties. Treaty-stipulations often obligate both treaty-partners to consider each other's enemies as their own enemies. This interpretation allows

³ Tigay, "Psalm 7:5 and ancient Near Eastern Treaties," 182, asserts, similar to Beyerlin, that the oath in vv 4–6 is voiced *in response to an accusation*.

one to keep the root's basic meaning 'to rescue, deliver.' *Ḥillēš* has the meaning 'to plunder' only in Syriac and Mandaic; in Hebrew, the meaning 'to plunder' would have obtained only through a meta-thetical reading (*lāḥaš* pr. *ḥālaš*).⁴ Since the exculpatory oath in Ps 7:4–6 is the accused one's response to the charge of having *rescued* his ally's enemy, vv 4–6 reveal, claims Tigay, the purpose and setting of the whole prayer.

The use of the verb *ḥillēš* is Tigay's major argument for assuming the alliance background of Psalm 7. This background becomes *fully* clear only, however, if one follows Tigay further and, in addition, emends the first person suffix *šōrēnī* = 'my enemy,' textcritically to a third person suffix, *šōrēro* = 'his enemy.'⁵ Only then does the exculpatory oath in vv 4–6, read as the speaker's denial of the charges brought against him by his treaty-partner, really say: 'If I have repaid my ally with evil and rescued *his* enemy . . .'

An additional argument for the alliance background of Psalm 7 is, according to Tigay, the noun *šōlēm* = 'ally' (v 5) that appears as a designation of the treaty-partner in ancient Near Eastern treaty-texts. Further, the terminology of justice and righteousness, characteristic of Psalm 7, figures prominently in the context of treaty-formulations. Finally, the invocation of YHWH as judge of the peoples in vv 7–10 points to the international background of the psalm.

Tigay's textual arguments for assuming an "alliance background" of Psalm 7 are not convincing.

1. The basic meaning of *ḥālaš* qal is 'to untie, loosen, take off.'⁶ Also in middle Hebrew and in Jewish-Aramaic the meaning of *ḥālaš* is 'to untie, loosen, tear out; to strip, lay bare.'⁷ The noun *ḥālīšā* (Jud 14:19; 2 Sam 2:21) designates the "outfit/armour that is stripped off a slain (enemy)."⁸ In Aramaic it means "taking out; untying, putting off." It is the name of the ceremony to have the shoe taken off for refusing the leviratical marriage.⁹ In Akkadian, *ḥalāšu* means 'to peel off, comb out, squeeze out.' In Syriac *ḥālaš* means 'to shear.'

⁴ Cf. *ibid.*, 180.

⁵ *Ibid.*, 181.

⁶ Cf. *HALAT* s.v. *ḥālaš*.

⁷ Cf. Marcus Jastrow, *A Dictionary of the Targumim, the Talmud Babli and Yerushalmi, and the Midrashic Literature* (New York: The Judaica Press, 1989) s.v. *ḥālaš*.

⁸ Cf. *HALAT* s.v. *ḥālīšā*.

⁹ Cf. Jastrow s.v. *ḥālīšā*.

Hillēs (pi.) *does* have the meaning ‘to rescue.’¹⁰ One has to note, however, that in Lev 14:40,43 *hillēs* has the meaning ‘to tear out’ (stones from a wall).¹¹ In middle Hebrew and Jewish-Aramaic *hillēs* means ‘to extract, loosen, deliver.’¹² It is, furthermore, remarkable that in all the biblical passages where *hillēs* does have the meaning ‘to rescue,’ its subject is YHWH.¹³ It seems to express a form of rescue whose agent only YHWH can be. Ps 7:5 would be the *only* case where a human would be the agent of deliverance. This indicates that *hillēs* = ‘to rescue’ is a very specific and technical meaning of the verb that is derived from the basic notion ‘to untie, loosen, tear out.’ HALAT even raises the possibility that *hillēs* = ‘to rescue’ represents a proper root.¹⁴ There is no lexical basis for Tigay’s contention that the *primary* meaning of *hillēs* is ‘to rescue.’

b. *Contextually* the translation ‘to plunder’ is justified. The closest parallel to the *abiuratio* in Ps 7:4–6 is Job’s *abiuratio* in Job 31. In Job 31:29, Job declares in the protasis that he has not done *evil* to his *enemies*: “If I have rejoiced at the ruin of those who hated me, or exulted when evil overtook them . . .” It is thus a common feature of the *abiuratio* to deny that one has done evil to one’s *enemies*.

Thus, Tigay’s principal *textual* argument for the alliance background of Psalm 7 loses its basis. In vv 4–6, rather than denying charges of having rescued his ally’s enemy, the petitioner states in a comprehensive way that he has done evil neither to friend nor to foe. He does not react to an *accusation*. Rather, as is the case in Job 31, he declares his *righteousness*. He declares that he is in a state where he can expect to “receive blessing and righteousness from YHWH” (Ps 24:6). The translation of Ps 7:5 “If I have repaid my friend with evil and plundered my enemy without reason” is well-grounded.¹⁵

2. Tigay argues that the noun *šōlēm* is the technical term for treaty-partner. He adduces the Akkadian cognate *šalāmu* that does, indeed, have this meaning. However, in the Old Testament *šōlēm* is a hapax-legomenon. It is not possible to argue solely on the basis of Ps 7:5

¹⁰ Cf. HALAT s.v. *hālas*.

¹¹ See also 2 Chr 28:21 where HALAT s.v. *hālaṣ* proposes to read *hillēs* for *hālaq*; “. . . because Ahaz ‘plundered’ the house of YHWH and the house of the king and the princes.”

¹² Cf. Jastrow s.v. *hālaṣ*.

¹³ Cf. 2 Sam 22:20; Ps 6:5; 18:20; 34:8; 50:15; 81:8; 91:15; 116:8; 119:153; 140:2.

¹⁴ Cf. HALAT s.v. *hālaṣ*.

¹⁵ Further, there is no textcritical basis for Tigay’s changing *šōrērī* to *šōrērō* in v 5.

that *šōlēm* has the meaning "treaty-partner." The term that is used for the treaty-partner in a parity-treaty is *'ah* = 'brother' (Num 20:14, 1 Kgs 9:13; 20:32). In a vassal-treaty, the overlord is called *ba'al*, his vassal *'ebed*. Semantically the closest to *šōlēm* is *'iš šēlômî* = 'my close friend' (Ps 41:10) and *'enôš šēlômî* (Jer 20:10).¹⁶ *'iš šēlômî* expresses a friendship and intimacy on a more personal level. It seems appropriate to understand *šōlēmî* in v 5 in this way. This situates the psalm in a different context. *šōlēmî* is not the petitioner's treaty-partner but the close friend in the social context of the small group.

Even though Tigay's thesis of an "alliance background" has no textual basis in Psalm 7, we will, in the following, look at the parallel that he adduces, Tukulti-Ninurta's I prayer to Shamash, the judge of the gods, because it illustrates how the deity acts as judge in the context of the violation of oaths and treaties, a context that we have seen to be present in 1 Kgs 8:31–32. Tukulti-Ninurta's prayer is the prime example of the prayer of the *accuser*, directed to the divine judge and asking for the implementation of the curses against the violator of the treaty. It thus sheds more light on how the institution of the ordeal that we have dealt with in the previous chapter, works.

7.2 THE PRAYER OF TUKULTI-NINURTA I TO SHAMASH, THE JUDGE

The Assyrian Tukulti-Ninurta-Epic's purpose is to give a theological legitimation for the destruction of Babylon by the Assyrian king Tukulti-Ninurta I.¹⁷ It intends to justify the city's destruction as the outcome of a just war. To achieve this, it portrays Kashtiliash IV, the Babylonian king, as the breaker of oaths and the violator of the parity-treaty that had been the basis of the relations between Assyria and Babylon since the time of the kings' fathers. The narrative portrays Kashtiliash as having violated the treaty by seeking support from Assyria's neighbours for an alliance against Assyria. Tukulti-Ninurta has, in fact, intercepted messengers of the Babylonian king who were on their way to forge anti-Assyrian alliances with other rulers; he seized implicating documents from them, and he now presents this evidence to

¹⁶ Cf. also Ps 37:37, without suffix.

¹⁷ Cf. Peter Machinist, *The Epic of Tukulti-Ninurta I*; idem, "Literature as Politics: The Tukulti-Ninurta Epic and the Bible," *CBQ* 38 (1976) 455–482.

Shamash. In a "treaty-indictment ceremony,"¹⁸ Tukulti-Ninurta initiates a lawsuit to Shamash in which he charges the Babylonian king with the violation of the treaty. He addresses a prayer to Shamash, the judge, in whose presence the treaty had been made in the first place, calling for a judicial verdict against the violator of the treaty. Tukulti-Ninurta's prayer is the prayer of the *accuser* in the context of an ordeal procedure. He asks Shamash to decree a verdict that would realize itself in the outcome of the ensuing battle between Assyria and Babylon.¹⁹ This is Tukulti-Ninurta's prayer:

- 13 O Shamash, [] lord, I respected (?) your oath,
I feared your greatness.
- 14 He who does not [] transgressed before your [],
but I observed your ordinance.
- 15 When our fathers made a pact before your divinity,
- 16 They swore an oath between them and invoked your greatness.
- 17 You are the hero, the valiant one, who from of old
was unalterable judge of our fathers,
- 18 And you are the god who sets aright, who sees now our loyalty.
- 19 Why has the king of the Kassites from of old
invalidated your plan and your ordinance?
- 20 He had no fear of your oath, he transgressed your command,
he schemed an act of malice.
- 21 He has made his crimes enormous before you,
judge me, O Shamash!
- 22 But he who committed no crime [against] the king of the Kassites,
[act favorably towards him],
- 23 By your great [] bestow the victory . . . on the observer of oaths,
- 24 [He who does not] your command, obliterate his people
in the rout of battle!²⁰

In the first half (lines 13–18) of this distinctly structured prayer,²¹ the king affirms his faithfulness to the treaty (13'–14'); he then traces back its history (15'–16'), putting the stress on the treaty's long validity, and finally praises Shamash as its vigilant overseer (17'–18'). As Machinist points out, this sequence recalls the outline of interna-

¹⁸ P. Machinist, *The Epic of Tukulti-Ninurta I*, 217.

¹⁹ Tigay presents a different interpretation. According to him, the documents contained a charge of treaty-violation against Tukulti-Ninurta and the prayer has the primary function to refute the *accusation* of having violated the treaty, an accusation that was brought up by Kashtiliash (*ibid.*, 186). Both Tigay and Machinist see Psalm 7 as a parallel to their interpretation of Tukulti-Ninurta's prayer.

²⁰ Translation: B.R. Foster, *Before the Muses*, 216–217.

²¹ See P. Machinist, *The Epic of Tukulti-Ninurta I*, 217.

tional treaties: They open with a historical prologue and enlist the gods as guarantors of its provisions.

In the second half of his prayer (lines 19–24), Tukulti-Ninurta indicts Kashtiliash for having violated this treaty (19'–21') and asks Shamash to issue a judicial verdict by way of an ordeal by battle, by giving victory to the observer of the oath and by handing defeat to its violator (22'–24'). Again, stresses Machinist, this corresponds to the provisions of the treaties: "The indictment of Kashtiliash in 19'–21' calls to mind the section of the treaty stipulations. And the demand for victory for the treaty defender and defeat for the violator—which is really a call for an ordeal by battle . . .—echoes the curses and blessings at the end of the treaties."²²

Tukulti-Ninurta's prayer is clearly the prayer of an *accuser*. It is the prayer of an accuser calling for a verdict against a treaty-offender. Tukulti-Ninurta explicitly enumerates Kashtiliash's treaty-violations. He calls for the divine verdict to be established in an ordeal by battle, by giving victory to the treaty defender and defeat to its violator.

Rather than being the accused one (Tigay), Tukulti-Ninurta I accuses his opponent of treaty-violation.²³ Tukulti-Ninurta's prayer to Shamash shows that the deity's acting as judge has to be considered in a wider horizon than that assumed by Beyerlin who takes the institution implied in Deut 17:8–13 and 19:16–20 as the basis for determining the setting of the psalms of the individual with juridical language. The vision of YHWH standing as judge in the assembly

²² *Ibid.*, 217.

²³ Machinist sees *this* as the background of Psalm 7. For Machinist, Psalm 7 is a prayer to the divine judge in which the petitioner charges his enemy with treaty-violation and calls for a just verdict against him. According to him, in Psalm 7 the petitioner "ask[s] the god explicitly to take action against the treaty-offender" (*ibid.*, 219). However, this is not the situation that is presupposed in Psalm 7.

Psalm 7 is the prayer of a persecuted individual. It is neither a prayer of the falsely accused (against Tigay) nor that of an *accuser* who calls for a judicial verdict by battle. Psalm 7 does not indict the enemy (against Machinist). Rather, the petitioner asks to be *rescued* from the enemy. That is what his appeal to the judge involves. The enemy goes after the petitioner's *life*. That is his crime, and against this crime the petitioner appeals to YHWH, the judge. In Psalm 7 there is no mentioning of a treaty between the petitioner and his enemy. Their conflict does not concern the violation of a treaty. Rather than charging the enemy with a crime, the petitioner asks for his life to be rescued. This is an altogether different situation than that presupposed in Tukulti-Ninurta's prayer. In Psalm 7, the dispute is not about a treaty-violation but about *life and death* of the petitioner. Tukulti-Ninurta, in contrast, is very much in control of the situation. He asks for guilt and innocence to be established in battle. In Psalm 7, the punishment occurs as the self-destruction of the enemy (Ps 7:13–17).

of the peoples (Ps 7:7–9) gains a new relevance in the light of the universal dimension of *Shamash's* agency as judge. Tigay's proposal is thus very important for these reasons alone. The fact that Tukulti-Ninurta's prayer cannot be seen as a parallel to Psalm 7 is subordinated to this.

Tukulti-Ninurta's prayer is very important for understanding not only Shamash's but also YHWH's agency as judge. In two points, especially, Tigay's proposal is significant. He rightly stresses the significance of the terminology of justice and righteousness in Psalm 7 and in treaty-texts, and he points to the *universal* dimension of God's agency as judge.²⁴ We see in Tukulti-Ninurta's prayer how Shamash's agency as judge realizes itself in the sphere of history, apart from any institutional framework. Also in 1 Kgs 8:31–32, YHWH's agency as judge has a *universal* dimension. YHWH is not dependent on the personnel of the temple in order to put the curses in effect.

The execution of Shamash's judicial verdict realizes itself in the curse that seizes the violator of the treaty between the two kings. This is how differently the two kings behave after Tukulti-Ninurta has directed his appeal to Shamash, the judge:

- 21' Tukulti-Ninurta, having put his trust in his observance of the oath,
was planning for battle,
- 22' While Kashtiliash, insofar as he had trespassed the command of
the gods, was altered within himself,
- 23' He was appalled on account of the appeal to Shamash and became
fearful and anxious about what was laid before the gods.
- 24' The mighty king's utterance constricted his body like a demonic
presence. So Kashtiliash deliberated with himself,
- 25' "I did not listen to what the Assyrian (said),
I made light of the messenger.
I did not conciliate him,
- 26' I did not accept his favorable intention before.
- 27' Now I understand how grievous the crimes of my land are become,
how numerous its sins.
- 28' Mortal punishments have smitten me down,
death has me in its grip!
- 29' The oath of Shamash sets upon (?) me,
it catches me by the hem,

²⁴ Ibid., 185.

- 30' You have entered in evidence against me
 an unalterable tablet with the seal impression
 of m[y forefathe]rs,
 31' They too have intro[duced evidence] before me,
 a [] whose wording cannot be changed!
 32' My forefathers' treaty, which was not violated, []
 33' Thus did the just judge, the unalterable, the valiant one,
 [Shamash] establish the case against me!"²⁵

Even before the battle has ensued, Kashtiliash experiences that the "oath of Shamash sets upon [him], it catches [him] by the hem." Visibly, it realizes itself in the sphere of history, in the outcome of the ensuing battle between the two kings. History itself is here the process of the realization of divine judicial verdicts. We see here how Shamash executes his judicial verdicts in the process of history.

In the center of Tukulti-Ninurta's appeal to Shamash for a positive judicial verdict stands the oath. The oath ratifying the parity-treaty which the forefathers of the two kings had established between their respective kingdoms, is the criterion according to which Shamash acts as judge. The oath or treaty had established a pact between the two kingdoms, it established a connection between them, something which in the text is called *kināṭunu*, our loyalties. The violation of the oath, i.e. the betrayal of the loyalty, the breach of the covenant by one of the treaty partners, calls the curses implied in the treaty upon the violator. That is what Kashtiliash experiences following Tukulti-Ninurta's appeal to the judge. Shamash is the lord of *kittu* and *mīsarū*, of justice and righteousness. *Kittu* is in a very precise way the loyalty to a promise that the two treaty partners had given to each other. Shamash is the god who watches over the loyalty of the treaty partners through the generations. The treaty between Kashtiliash and Tukulti-Ninurta had been made by their forefathers. One could, thus, very generally say that Shamash, the sun god, acts in the sphere of history by watching over the keeping of promises and oaths that kings, groups, and individuals had established between each other. The keeping of loyalty and trustworthiness in social and political relationships stands in accordance with the justice and righteousness of Shamash himself. Thus, the whole world of society and politics is constituted by a network of loyalties. In the great Shamash

²⁵ Translation: B.R. Foster, *Before the Muses*, 220–221.

hymn,²⁶ this network of loyalties encompasses many concrete forms of loyalty. It refers, for instance, to the keeping of the right weight-stones. It is at this point that scholars come up with a notion of an ontological and self-realizing world order that makes sure that the righteous is rewarded and the evil-doer punished.²⁷ Does there exist anything like a natural world order that authenticates itself?

The implementation of justice is here surely not the task of an *institution*. This does not mean, however, that it occurs ontologically, according to a natural law. Rather, in his prayer Tukulti-Ninurta appeals to Shamash, the judge, asking him to intervene and to execute his verdict through the outcome of the battle. The prayer does not refer to an anonymous world order; it calls for the *agency* of Shamash. These texts can be interpreted adequately only in a framework of *universal* references. *Semantically* the notion of God's *agency* points to a construal of the world that sees the world as the interaction of forces and powers. The deity is the one who is in control of these forces and powers and can direct them. That is why human beings have to direct their prayers to the God who is the supreme judge of the universe.²⁸

The realization of the curse is not automatic; it involves Tukulti-Ninurta's *appeal* to Shamash, the judge, and Shamash's *response*, consisting in the issuing of a judicial verdict and in the oath that catches Kashtiliash by the hem. All of this plays a role in the enactment of justice. It reflects political and diplomatic rules and shows that specific juridical procedures need to be followed in the case of the violation of treaties. The establishing of justice in the realm of political relations between states is not possible without following these conventions. Nothing happens automatically here. If Tukulti-Ninurta had not appealed to Shamash, the judge, the conflict between him and Kashtiliash would have followed a different course.

In order to understand this agency of Shamash, the judge, it is necessary to pay some more attention to related texts.

²⁶ See W.G. Lambert, *Babylonian Wisdom Literature*, Oxford, 1967.

²⁷ Hans Heinrich Schmid, *Gerechtigkeit als Weltordnung. Hintergrund und Geschichte des alttestamentlichen Gerechtigkeitsbegriffes* (BHT 40; Tübingen: Mohr Siebeck, 1968).

²⁸ An *ontology*, in contrast, presupposes a construal of the world, according to which the world obeys mathematically reliable natural laws. Semantically, in such a construal of the world, there is no place for the notion of divine agency.

7.3 SARGON'S LETTER TO ASSUR CONCERNING HIS EIGHTH CAMPAIGN

In a letter to the god Assur, Sargon II gives an account of his victorious campaign against the kingdom of Urartu.²⁹ His theological justification of a military campaign is closely related to the sun-god Shamash's function as judge of the gods. Sargon presents the military campaign in terms of a just war against Ursa, the Urartean, who had invaded the territory of his vassal Ullusunu, the Mannean. Sargon depicts Ursa, his enemy, as the violator of divine boundaries:

Before me Ursa, the Armenian,
who does not respect the word of Assur and Marduk,
who does not fear the oath of the lord of lords
a mountaineer, of murderous seed,
who was without judgment,
whose speech was evil,
whose lips kept bawling indecencies,
who had no respect for the honored word of Shamash,
supreme judge of the gods,
and who was forever, without let-up,
overstepping his bounds (the bounds of Shamash):
after his earlier sins, he committed the great offense
of destroying this land and overwhelming its people.³⁰

By appealing to Assur to give him victory in his battle against Ursa, and by subsequently restoring the borders of his vassal Ullusunu's kingdom and by restoring his people to its land (*mīšaru*), Sargon is keeping the obligations of protection that the oath between him and Ullusunu imposes upon him. At the same time, Ursa is caught by the curse that Shamash put in effect when he "transgressed the borders of Shamash."

In accordance with the divine administration of justice, Sargon reports the defeat of the Urartians to have been complete. The curse seized Ursa even before the battle ensued:

Ursa, their prince, who had transgressed the borders of Shamash and Marduk and had not kept the oath of Assur, king of the gods, became alarmed at the roar of my mighty weapons,

²⁹ Edition: F. Thureau-Dangin, *Une relation de la huitième campagne de Sargon (714 av. J.-C.)* (Paris: Paul Geuthner, 1912). Translation: ARAB II.

³⁰ Lines 92-95. Translation: ARAB II, 79.

his heart being torn like a bird of the cave, fleeing before an eagle.
 Like a man whose blood is pouring from him, he left Turushpa, his
 royal city;
 like (an animal) fleeing before the hunter, he trod the slope of his
 mountain;
 like a woman in travail he lay stretched on his bed, his mouth refus-
 ing food and water;
 a disease without escape he inflicted upon himself.
 I established the might of Assur, my lord, upon Urartu for all time
 to come, leaving there for future days his never-to-be-forgotten fear.³¹

The breaking of the oath caused its violator to be seized by the provisions agreed upon for this case. Ursa's defeat is described in terms of an incurable sickness, a language typical for describing the consequences of a broken oath seizing its violator. *Māmītu* means both *oath* and, when it attacks its violator, *curse*. Sargon was the executor of the punishment that had been decreed by the gods that watch over the oaths, especially Shamash, the supreme judge of the gods.

Having fulfilled his promise to Ullusunu, Sargon praises himself as the "guardian of justice:"

I, Sargon, the guardian of truth (*kitti*),
 who do not transgress the bound of Shamash and Marduk,
 the humble and unceasing worshipper of Nabu and Marduk,—
 through their firm consent (*annišunu kini*)
 I attained unto my heart's desire;
 I stood with might over my haughty foes.³²

In his letter to Assur Sargon presents history as occurring in agreement with certain theological premises. Sargon's letter to Assur is a historical *and* theological document. It presents history as evolving in the forms and conventions of justice administered by the gods. Again, this outcome of history is not an automatism. No natural order establishes justice. Oaths and treaties, Shamash's acting as judge, the king's appeal to the gods, the curses seizing the violator of the oath, the battle, and, finally, Sargon's letter to Assur, giving account of the course of action and praising the god for its outcome, are all constitutive aspects of this active shaping of history in accordance with the justice of Shamash.

³¹ Lines 148–152.

³² Lines 156–157.

7.4 THE OATH BETWEEN THE SERPENT AND THE EAGLE IN THE LEGEND OF ETANA

In the legends of Etana, it is told how friendship between two of the main characters, a serpent and an eagle, is established.³³ They swear an oath of Shamash:

Whoever [transgresses] the limits of Shamash [],
May Shamash [deliver him] as an offender into the hands of the executioner,
Whoever [transgresses] the limits of Shamash,
May the [mountains] remove [their pas]ses far away from him,
May the oncoming weapon [make straight for him],
May the trap and curse of Shamash overthrow him [and hunt him down]!³⁴

On this oath the friendship between the two is based. But then, the eagle decides to devour the children of the serpent. His son warns him:

Do not eat, my father!
The net of Shamash will hunt you down,
The mesh and oath of Shamash will overthrow you and hunt you down.
Whoever transgresses the limits of Shamash, Shamash [will deliver] him as an offender into the hands of the executioner!³⁵

The eagle disregards the warning and devours the children of the serpent. After that, the serpent, bereaved of her children, appeals to Shamash:

I trusted in you, [O warrior Shamash],
I [was the one who gave provisions?] to the eagle,
Now my nest []!
My nest is gone, [while his] ne[st is safe],
My young are destroyed, [while his young are] sa[fe].
He descended and ate up [my children]!
[You know], O Shamash, the evil he has done to me,
Truly, O Shamash, your net is the [wide] earth, your trap is the [distant] heaven.
[The eagle] must not es[cape] from your net,
Th[at] malignant Anzu, who harbored evil [against his friend]!³⁶

³³ Translation: B.R. Foster, *Before the Muses*, 439–457.

³⁴ Late Version, Tablet II:17–22. Translation: B.R. Foster, *Before the Muses*, 449–450.

³⁵ Late Version, Tablet II:46–46–49. Foster, *Before the Muses*, 450.

³⁶ Late Version, Tablet II:61–71. Foster, *Before the Muses*, 451.

Shamash heeds the serpent's prayer and the eagle is caught in a trap that the serpent had set up upon Shamash's advice. The serpent then addresses the eagle:

You were] the intruder []!
 Before Shamash []
 May the king of the g[ods . . .] be great!
 [May the] judge of [my] case []
 [] who binds fast []
 You are the one, eagle, []
 You flew down []³⁷

Again, after the accuser has directed an appeal to Shamash, the supreme judge of the gods, punishment is executed against the oath-breaker. The violation of the oath brings the curses implied in it upon the oathbreaker. Shamash is the protector of the oath and the god who enforces the curses in case the oath is broken.³⁸

7.5 CONCLUSION

One important aspect of the acting of God as judge concerns the imposing of the reality of curses on the violators of a treaty. The motif for initiating a lawsuit to YHWH, the judge, is to *accuse* an opponent who has violated one's rights and to subject him to an ordeal, in the course of which he will, in case that he has violated the oath to which he is subjected, receive his just punishment. The plaintiff who initiates such a lawsuit asks for the curses, provided for the case of the violation of a treaty, to be enacted against his opponent, the alleged violator. In the context of the ordeal it is always the *accuser* who appeals to the divine judge. The accuser is *active*. In 1 Kgs 8:31–32 the accuser pronounces a curse against the accused; the same happens, via the priest, in the case of the suspected sotah in Num 5. In the Tukulti-Ninurta epic, Tukulti-Ninurta indicts Kashtiliash of treaty-violation and appeals to Shamash, the judge, asking for an ordeal by battle. In the same way, Sargon reports having asked Assur for an ordeal by battle. The accused one remains passive.

³⁷ Middle Assyrian Version I/B *27–*33. Foster, *Before the Muses*, 444.

³⁸ Cf. also the prayer of "Kussulu to the Moon-god," in B.R. Foster, *Before the Muses*, 156–157.

There is no textual evidence that in the course of such an ordeal the accused uttered a prayer to the divine judge.³⁹

The ancient Near Eastern texts presented above demonstrated that this activation of curses is typical of Shamash's acting as judge in the context of the violation of oaths and treaties. Shamash has the power to enforce curses because he is the universal judge "whose trap is the earth and whose net is the distant heaven." These texts are thus helpful for understanding the *universal* dimension of the notion of God as judge. No institution accounts for this complex acting of God as judge. In the light of these ancient Near Eastern parallels, the logic of God's acting as judge in 1 Kgs 8:31–32 becomes understandable. YHWH acts as judge without needing the personnel of the temple to establish the verdict, but by activating the curses against its violator.

Though there is no institution that mediates this judging activity, we cannot assume that justice occurs ontologically, that something like a world order establishes justice automatically. Rather, Shamash and YHWH are *gods*. The petitioners address them to *intervene* as judges. The world is a sphere of powers and the humans have to appeal to the judge of the gods to establish justice. Human beings are embedded in a sphere of powers, and they have to get in the right contact with the source of power that is beyond them. The gods establish justice through their *agency*. This agency transcends all societal bounds. Justice is a *universal* notion; it has a universal horizon.

What the discussion of the ancient Near Eastern appeals to Shamash has demonstrated is the universal range of the divine acting as judge. It cannot be understood in the framework of an institution. This insight is valuable also for interpreting the individual complaint psalms. We will have to keep in mind this universal dimension of the divine acting as judge when interpreting the individual complaint psalms. The petitioners appeal to YHWH, the judge, whose sphere of acting is the whole creation.

³⁹ There was no point in protesting one's innocence, since the ordeal was the divinely administered institution that, were it the case, would safely establish this innocence anyway. Only in the case of one's *guilt* did it make sense to direct a prayer to the deity, namely, in order to ask for *forgiveness*.

The situation presupposed in Psalm 7 is different from that of an ordeal. The psalms of individual complaint with juridical language are not prayers of *accusers*. Nor are they prayers of *accused ones* (against Beyerlin). No institutional procedure establishes justice. Rather, the petitioner is in an outlawed situation. Human beings here suffer from actions and machinations of enemies that threaten their life and their bodily existence. These manifest themselves in the form of sickness, isolation, etc. Their distress is *existential*. They experience it in their whole body as an illness, as the machinations of enemies whose goal is to eliminate their life. It is in this situation that the suffering human being takes the initiative and directs an appeal to the supreme judge of the universe, asking God to overcome his enemies. The petitioner urges the deity to issue a judicial verdict that would effectively dissolve these evil forces and reestablish him. The question that we are dealing with is how the enemies' self-annihilation, described in Ps 7:13–17, takes place, leading to the petitioner's change of mood from lament to joy.

In the following, we will look at other Assyro-Babylonian prayers of individuals to Shamash, the supreme judge of the gods. In these, the petitioners do not ask for the enactment of curses against their enemies, but for a favorable verdict protecting them from the attacks of evil. In first analyzing a Mesopotamian prayer of the *diviner* to Shamash, the supreme judge of the gods, we will pay attention to the *universal dimension* of divine judicial activity. In this prayer, the divine judicial assembly that convenes at dawn, in order to issue its verdicts, has an important role. This is very similar to Psalm 7. Further, the role of omens as signs through which the gods communicate their decisions points to the universal dimension of divine judicial acting. In the Assyro-Babylonian religion, the issuing of favorable omens is a task of the divine *judge*.

CHAPTER EIGHT

DIVINE ACTING AS JUDGE IN THE CONTEXT OF DIVINATION

8.1 INTRODUCTION: YHWH'S ACTING IN THE JUDICIAL ASSEMBLY IN Ps 7:7-12

In Psalm 7, the petitioner directs a prayer to YHWH, the supreme judge of the universe, asking God to deliver him from his enemies. Ps 7:7-10 is the petitioner's appeal to YHWH in which he asks YHWH to act as judge in the divine assembly:

Arise, YHWH, in your anger;
lift yourself up against the fury of my enemies;
and awake towards me;
you have commanded judgment.
Let the assembly of the peoples be gathered around you,
and above it return to the height.
YHWH judges the peoples;
judge me, YHWH, according to my righteousness
and according to the integrity that is on me.
Let the evil of the wicked come to an end and establish the righteous,
you who tests the heart and the kidneys, righteous God.

All of this is a realistic description of the convening of the divine judicial assembly at dawn. YHWH's acting as judge in the judicial assembly in the height is crucial for understanding Psalm 7. This psalm assumes God to be acting, and this acting occurs *independently* from human acting. The psalm's description of YHWH's universal judging activity has a *realistic* dimension. God's acting is universal. YHWH acts in the height (*mārôm*), where God is surrounded by the assembly of the peoples. This imagery is not a mere metaphor that could safely be neglected. That the image of the divine judicial assembly is a metaphor that describes the administration of *power* in the universe has been pointed out by Patrick D. Miller:

The rule of the cosmos is in the hands of Yahweh, but the context in which that rule takes place is the activity of the council where

Yahweh's decrees directing the human community and the divine world are set forth and through whom they are communicated or enacted.¹

The judicial assembly of the gods has a concrete reality. It issues the judicial verdicts that will impact the petitioner's life. That is the reason why he seeks to get access to the gathering of the judicial assembly, why he speaks this elaborate prayer. The human being who in his distress can plead his or her case to the universal judicial assembly, is not an isolated and autonomous individual, but a *creature* that is inseparably embedded in the whole creation. The deliberations of the assembly are of the highest importance for the petitioner. On the outcome of these deliberations depends his well-being. Only the judicial assembly can establish a favorable verdict for him.²

8.2 THE PRAYER OF THE DIVINER TO SHAMASH, THE JUDGE, AT DAWN

In the following, we will look at a Mesopotamian prayer to *Shamash*, the judge, in which Shamash's acting in the divine judicial assembly plays an important role. This prayer belongs to the genre of the *ikribu*-prayer.³ Acting in behalf of his client, the divination-priest (*barû*) directs a prayer in the form of a lawsuit to the divine judicial assembly. He addresses this prayer at dawn, the time of the convening of the judicial assembly for judgment. Using judicial language, the divination-priest asks for a verdict in the form of a favorable omen for

¹ P.D. Miller, Jr., "Cosmology and World Order in the Old Testament. The Divine Council as Cosmic-political Symbol," *HBT* 9 (1987) 53–78. See 57.

² Psalm 82 is another biblical text that illustrates the importance of the divine judicial assembly. Rather than the prayer of an individual who appeals to the assembly, it is a *vision* describing YHWH's acting as judge. YHWH acts against the members of the assembly who have not judged the cases of human beings in justice and righteousness. YHWH expels the other gods, the gods of the other peoples, and assumes the judgeship of the whole universe. Again, as in Psalm 7, YHWH's acting in the judicial assembly has the highest degree of reality. It has an immediate impact on the life of human beings on earth.

One cannot easily discard Ps 7:7–12, the petitioner's appeal to YHWH, the judge, who presides over the judicial assembly, as an image that has no reality. One cannot replace it simply with a court of human judges at the temple (against Beyerlin). The *power* of the divine judicial assembly is supposed to surpass that of any *human* court by far.

³ See Ivan Starr, *The Rituals of the Diviner* (Bibliotheca Mesopotamica 12; Malibu: Undena Publications, 1983). Prayers of the diviner can be found in B.R. Foster, *Before the Muses*, 148–155.

his client. The recitation of the prayer goes together with performing the corresponding ritual. Before we analyze the prayer of the diviner, it is important to give some information about the significance of divination in the world-view of the Assyrians and Babylonians.

The Assyrians and Babylonians believed that future events were foreshadowed by signs that could be observed in all spheres of the universe. They perceived the world surrounding them not as *artefacts* whose meaning they could reduce to their objective factuality, but as full of *signs* transparent for a yet invisible reality. The whole universe is like a *text* that emits meaning. The diviner's task was to deduce the significance and the meaning of those signs. Divination is essentially a *hermeneutical* activity.⁴ The movements and positions of the stars, the peculiar behaviour of animals, the content of dreams, characteristic features of the human physiognomy—are signs that foreshadow and anticipate reality. The world is thus *transparent* for a reality that, about to take shape, is present already in signs.

According to Jean Bottéro, the diviners saw the signs that they observed in all spheres of the universe as the form in which the gods, the rulers of the universe, communicated to humanity their orders and decisions regarding the course of the universe.⁵ The political institution reflected in this model of communication is, according to Bottéro, that of *kingship*. The gods ruled the universe in the same way as the Mesopotamian kings ruled their land, namely, through the issuing of written orders. *Têrtu*, the technical term for sign or omen, is, originally, a word from the bureaucracy of the administration of kingship, meaning "order" or "command." Transposed into the divine sphere, *têrtu* denotes the orders and decrees through which the gods administer and rule the world. In the Babylonian religion, the giving of *omina* is central for all aspects of life. It is crucial for political and military enterprises. The well-being of the whole state depends on the *gods'* issuing of favorable omens. The whole societal life is, in a very real way, dependent on the deliberations and decisions of the divine judicial assembly. The judicial assembly does not represent an empirical or ideal reality. It

⁴ For an extensive discussion of the role of divination in Assyrian and Babylonian religion and society see Jean Bottéro, "Symptomes, signes, écritures," in *Divination et rationalité* (ed. J.P. Vernant; Paris, 1974) 70–197. Cf. also idem, *Mesopotamia. Writing, Reasoning, and the Gods* (Chicago: Chicago University Press, 1992) 105–137. Cf. also I. Starr, *The Rituals of the Diviner*, 1–14.

⁵ Cf. J. Bottéro, *Mesopotamia*, 105ff.

transcends any ontological framework.⁶ One could perhaps name it a *visionary* reality, since it is accessible for human beings only by way of *visions*.

8.2.1 *The Diviner's Preparation for His Appeal to the Divine Court*

The divination-priest (*barû*) could take the initiative and appeal to Shamash, the supreme judge of the gods, on behalf of a client to issue a verdict in the form of a *favorable* omen. *Ikribu* prayers go together with a ritual of extispicy and are cast in terms of a lawsuit.⁷ The *ikribus* are based on the notion that the future is relative, or as Bottéro expresses it, that it is *judicial*. It is not *absolute*, *predetermined*, and *unavoidable*. It is open to human interference. In the same way as the citizens can approach the human king and ask him to judge their cases, human beings can direct their requests to the gods who shape the future. Shamash, the judge, does not *automatically* "look at the cases" of human beings. Human beings have to instigate Shamash's attention through their prayers in the same way as the citizens have to appeal to the human king, in order that justice be done. The course of the universe is *open* to human intervention; there is a close interaction between both. The petitioner addresses his prayer and presents his case at dawn, the propitious time, the time of the convening of the assembly. The gods respond to the diviner's appeal for a favorable judicial verdict by inscribing their decision in the exta of a sacrificial animal. The divination-priest's appeal to the divine assembly shows parallels to the petitioner's appeal in Psalm 7, even though its motif is completely different.

In the first part of this prayer, the diviner presents to the gods Shamash and Adad a lamb as an offering. He stresses the purity of this animal, its perfection, and its undisturbed upbringing.

- 1 [O Shamash, lo]rd of judgment,
O Adad, lord of prayers and divination,
- 2 I [hold up] to you a sacred lamb, offspring of a ewe,
a bright-eyed (?), dappled lamb,
- 3 A sacred . . .-lamb, curly of fleece,
which flopped out from the ewe's breech

⁶ Cf. Miller's reflection on the notion of *symbol* in relation to describing the reality of the divine council in "Cosmology and World Order," 53.

⁷ Edition and translation: I. Starr, *The Rituals of the Diviner*, 30–44. The translation used here is that by B.R. Foster, *Before the Muses*, 153–154.

- 4 Its fleece which no shepherd plucked, neither right nor left,
I will pluck for you; Its fleece of right and left side
- 5 [I will set out] for you. Invite the great gods with resin,
let cedar and resin invite (all of) you.
- 6 In the extispicy I perform, in the ritual I perform, place the truth!
- 7 [In the matter of?] so-and-so, son of so-and-so,
in the lamb I offer, place the truth.
- 8 [I cal]l to you, Shamash, I beseech you to cleanse me!
In the lamb I offer, place the truth!⁸

The reason for the stress on the purity of the sacrificial animal may be threefold.⁹

1. In order to be presented to the assembly of the gods that meets in the heavenly sphere, the animal needs to be pure. Line 8 also suggests that the purity of the lamb serves to cleanse the diviner, so that he can attend the divine assembly.
2. Its *purity* is essential for safeguarding the *clarity* of the omens. If the sacrificial animal does not meet the required standards, the gods might not inscribe an oracle at all.
3. The long lyrical description of the pure upbringing of the animal indicates the integrity of the universe. This harmony is necessary for the gods to decree a favorable verdict.¹⁰

8.2.2 *Shamash's Presiding Over the Divine Judicial Assembly*

The divination-priest then urges Shamash to convoke the divine assembly. The priest addresses his prayer to Shamash *at dawn*:

- 9 O Shamash, you opened the bolts of heaven's gates, you ascended
(to this place) a stairway of purest lapis,
- 10 Next, you hold a scepter of lapis at your side for judgment (?).
- 11 The case of the great gods you judge,

⁸ Translation B.R. Foster, *Before the Muses*, 153–154.

⁹ For the following interpretation of the prayer cf. I. Starr, *The Rituals of the Diviner*, 44–60.

¹⁰ In the divinatory "Prayer to the gods of the night" (cf. B.R. Foster, *Before the Muses*, 148–149), it is explicitly the depiction of the *cosmic* harmony that has the function to move the gods to respond with a favorable judicial verdict. There seems thus to be an intrinsic correlation between the right state (*kittu*) of the universe and the favorable verdict (*kittu*) given to the diviner.

In Deut 21:1–9, in a similar description with the same stress on the purity of the animal and the environment in which it grew up, the animal serves to purify the land and its inhabitants from the impurity caused by an unsolved murder-case.

- the case of the wild beast you judge,
the case of mankind you judge:
- 12 Judge this day the case of so-and-so, son of so-and-so,
on the right of this lamb, on the left of this lamb, place the truth!
- 13 Come in, O Shamash, lord of judgment;
come in, O Adad, lord of prayers and divination;
come in, O Sin, king of the tiara,
- 14 Ishtar, lady of divination,
Ishara, who dwells in the inner chamber,
Geshtinanna, recorder of the gods, herald of Anu;
- 15 Nergal, lord of the weapon:
cause to be present the divinity in charge of the extispicy I perform,
and in the extispicy I perform place the truth!
- 16 In the handiwork of the great gods, in the tablet of the gods, let
the "vessicle" be in place.
- 17 Let Nisaba, the scribe, write the case down.
Let the divine shepherd bring forward a sheep to the assembly of
the great gods, so the ca[se may go we]ll(?)
- 18 Let the judges, the great gods, who sit on thrones of gold,
who dine from trays of lapis, take their seats before you.
- 19 Let them judge the case in justice and righteousness.
Judge this day the case of so-and-so, son of so-and-so.¹¹

The introductory section of the prayer can be divided into three parts. The three stages of the prayer,—presentation of the pure lamb (lines 1–8), description of Shamash's entry into heaven at dawn (9–12), and convocation of the heavenly judicial assembly (13–21), depict the dynamic that transpires in the ritual. Each stage opens with an invocation of Shamash, the judge, and closes with an appeal to Shamash to "place a true verdict" (*kittam šuknām*). The request for a true verdict (*kittu*) stands at the center of the prayer. *Kittam šakānum* is a formula common in letters of citizens to the king asking for the king's judicial intervention, more precisely, for a *favorable* judicial verdict that would clear away the uncertainties haunting the petitioner.

The convocation of the divine judicial assembly (lines 13–21) is the event towards which the whole prayer is oriented. Its first and second part describe the diviner's preparations that will allow him to be present at this central event. The pure lamb presented is the basis for the diviner's appeal to the heavenly judicial assembly for a favorable judicial verdict (lines 1–8). The second part (lines 9–12) describes in hymnic style Shamash's entry into heaven: "You have

¹¹ Foster, *Before the Muses*, 153–54.

opened the locks of the gates of heaven; you went up a staircase of lapis lazuli." The divine judicial assembly meets *at dawn*. *Morning* is the time of judgment. The mythic background of this image is the overcoming of the forces of chaos and darkness through the epiphany of light, and the orientation that light creates where before was confusion.¹² Morning is the time *par excellence* for the establishing of justice (*kitu*). *In the morning* the diviner directs the *ikribu*-prayer to the divine judicial assembly and performs the ritual of extispicy that goes along with it.

At the beginning of the third stage, in lines 13–16, the diviner calls upon the gods to gather in assembly for judgment. Shamash is the foremost of the gods, he is the "lord of judgment." The diviner calls upon five other gods to be present in the assembly. He asks them to "cause the god who is the lord of this particular extispicy to be present" in it. The convocation of the assembly proceeds with the petition that "the vessicle be present in the tablet of the gods" (line 16). The petition is concerned with the *presence* of the exta of the lamb in the divine assembly so that the gods can write their judicial verdict on it.

Lines 17–19 envision the actual proceedings of the assembly. Shamash, the supreme judge of the gods, is to supervise the proceedings of "the judges, the great gods." He has them, who sit on golden thrones, who eat "at a table of lapis lazuli, sit before (him)" (line 18). Shamash's task is to make sure that they "judge the case in justice and righteousness" (line 19). The judicial assembly communicates its decisions through the ritual offering that the diviner presents to the gods. The assembly inscribes its verdict in the exta of the sacrificial lamb. Nisaba, the scribe, is to write down the case, while Nusku presents a sheep that the gods eat "at a table of lapis lazuli" (line 18).

This whole scene that the prayer envisions takes place in the heavenly realm. There is an obvious transparency between the ritual set up by the diviner and the proceedings of the divine assembly. In fact, the ritual of the diviner and the assembly of the gods that the prayer depicts are one and the same event. The ritual of the diviner takes place in the *heavenly* judicial assembly of the gods, and the diviner himself is present in the divine assembly. The diviner has to follow strict rules in order to gain access to the divine assembly and

¹² Cf. Janowski, *Rettungsgewissheit und Epiphanie des Heils*.

to present his request to the divine judges. The interplay between terrestrial (diviner) and celestial (divine assembly) judicial activity is the key to understanding the logic of the communication between the diviner and the gods.¹³ There is thus an exact correspondence between the universal reality and its ritual representation. What happens in the universal reality happens on the level of ritual representation. The ritual has a universal dimension. It is not just a private ceremony. It rather represents the act in which the gods of the universe decree their binding judicial decisions.

The continuation of the prayer is a detailed listing of the desired for conditions in the exta of the lamb (lines 22–142). The diviner uses the “language” in which the gods communicate their judicial decision, a verdict that is to be “translated” as *well-being* (line 21). The diviner’s enunciation of this detailed description of the exta in lines 22–142 is, at once, the presentation of the case *and*, at the same time, the proclamation of Shamash’s judicial verdict. This “marked interplay between the celestial and terrestrial judicial roles”¹⁴ is constitutive for the theology of the prayer. The verdict decreed in the assembly is transmitted to the diviner in the form of the specific outlook of the exta of the sacrificial lamb. It is the form in which Shamash transmits the *oracle of salvation* to the diviner. With the professional assistance of the divination-priest, it is thus possible for human beings to appeal to the judge of the universe and to request a favorable verdict. It is beyond the diviner’s might what the gods decree and write into the entrails of the animal.

8.2.3 *Excursus: The Hermeneutical Principles of Divination*

The diviners developed hermeneutical methods that enabled them to understand the messages of the gods. Culturally developed forms of communication (language and writing) thus allowed them to understand the course of the universe. Specific rules and laws guide the hermeneutical activity of the diviner and allow him to decipher the

¹³ Cf. I. Starr, *The Rituals of the Diviner*, 57–58: “There is a marked interplay between the celestial and terrestrial judicial roles in the rituals of the diviner. The one played by the gods in the celestial sphere is transferred to the diviner in the terrestrial sphere, where the latter is depicted as judge, just as the gods are in their assembly. Like them he sits in the judge’s seat and makes oracular pronouncements. The action is symbolic: the diviner sits in the judge’s seat to ‘duplicate’ the role of the gods in the assembly.”

¹⁴ I. Starr, *The Rituals of the Diviner*, 57.

sign's significance. Some of these hermeneutical rules are evident to us. Association, intuition, and foreknowing play an important role, e.g., in the interpretation of dreams. An example of this is the dream-interpretation of Gilgamesh's mother in the Gilgamesh-epic.

Gilgamesh tells his mother the following dream that, as he knows, has an ominous significance, without he himself being able to interpret it:

Mother, during the night,
with all my dignity, I was walking around
among the men
under the celestial stars,
when a "block" from heaven fell in front of me.
I wanted to lift it, but it was too heavy for me;
I wanted to move it, but I couldn't stir it!
The population of Uruk was standing around it
and the men were paying homage to it ("kissed its feet")!
I pushed it in front of me, while they helped me
so that I ended up by lifting it and bringing it to you!¹⁵

The dream is a form of *intuitive* divination. There is a difference between *intuitive* (e.g., dream-oracles) and *deductive* divination, that analyzes, e.g., the outlook of the liver of a sacrificial animal. The dream is a divine message given to Gilgamesh without that he has specifically asked for an omen. Gilgamesh's mother interprets this dream by way of association, intuition, and foreknowing. She explains to Gilgamesh the significance of his dream about the "block" fallen from heaven, as follows:

It could well be someone who resembles you, Gilgamesh!
After he was set on earth in the steppe,
the desert saw him grow.
When you will have met him, you will rejoice
and the men will pay homage to him!
You will embrace him, and bring him to me!

This interpretation intuitively perceives the reality that the dream anticipates. To quote Bottéro's paraphrase of this interpretation, it foresees that,

Enkidu, born and raised wild in the steppe, as strong and powerful as Gilgamesh (this is a *block*), and sent by the gods (he *fell from heaven*) will arrive in Uruk, surrounded by the *curiosity of the population* and *admired*

¹⁵ Gilg. Pennsylvania: 1-23, quoted according to Bottéro, *Mesopotamia*, 112.

by the men. At first, Gilgamesh will measure himself against him, to *lift him* and to defeat him, then he will become friends with him and *lead him* to his mother so that she will bless this brotherhood.¹⁶

In another form of divination, namely, in deductive divination, that is, in omens attained through the observation of the exta of a sacrificial animal, paranomasia plays an important role as a means for interpretation of the portent, as the following example shows:

If in the liver, the part called “the Gate of the Palace” (the “umbilical incision” of the anatomists, it seems) is double, if there are three “kidneys,” and if on the right-hand side of the gall bladder two clearly marked perforations (Akkadian *pīšū*) are pierced (*pāšū*): this is the omen of the inhabitants of *Apišal* whom Naram-Sin (fourth king of the Akkad dynasty: approx 2260 and 2223) made prisoner by means of a breach in the wall (*pīšū*).¹⁷

As Bottéro explains,

the perforations (*pīšū*) pierced (*pāšū*) in the liver correspond in the prognosis not only to the breach (*pīšū*) in the wall that causes the collapse of the besieged city, but also to the name of that city, *Apišal*, with a slight metathesis.¹⁸

At first sight, the *perforations* in the liver do not have anything to do with the *breach* in the wall. The Babylonians assumed, however, that the fact that the same word (*pīšū*) is used for both, furthermore, that the name of the city *Apišal* has the same consonants, establishes a connection between the two events on the level of reality: The perforation (*pīšū*) in the liver announces the breach (*pīšū*) in the wall of the city called *Apišal*.

A major principle of prognostication, finally, that concerns especially the practice of extispicy is “the opposition between the right and the left.”¹⁹ In the omens, the opposition right-left is “commonly expressed in the following terms: when the advantageous condition is attested on the right: the prediction is favorable to the “ego;” when attested on the left; it is favorable to the enemy.”²⁰ For instance:

¹⁶ Ibid., 112.

¹⁷ Ibid., 130.

¹⁸ Ibid., 133.

¹⁹ I. Starr, *The Rituals of the Diviner*, 15–24.

²⁰ Ibid., 16.

If the 'rise of the head' of the 'bird' is light on the right: a good demon.
 If the 'rise of the head' of the 'bird' is light on the left; an evil demon.²¹

The diviners state the result of their hermeneutical inquiry in the form of the casuistic structure of *protasis* and *apodosis*. The *protasis* describes the sign; the *apodosis* states its significance. Since the universe itself is dependent on the gods' constant issuing of decisions and decrees, the diviners restrict their interpretative abilities to stating their observations in the grammatical form of *protasis* and *apodosis*. The diviners systematized their hermeneutical observations by collecting the casuistic sentences in divination treatises, vast encyclopedic collections of thousands of examples of observations cast into this basic grammatical structure. The divinatory treatises are what one could call their *encyclopedias*, listing the signs in systematic form and enabling the diviner to "translate" the divine message.²²

8.3 CONCLUSION

Other Babylonian prayers to Shamash equally stress the significance of Shamash's judicial activity in the assembly of the gods:

O Shamash, king of heaven and earth,
 judge of above and below,
 Light of the gods, guide of mankind,
 Who judges the cases of the great gods,

²¹ Ibid., 18.

²² What is remarkable in these hermeneutical rules of divination is that there is a close *semantic* proximity between the sign and its significance. In the dream, the *block* points to *Enkidu*, in the liver oracle, the perforation (*piššu*) points to the breach (*piššu*) in the wall of the city *Apišal*. A similar semantic proximity is present in the correspondence pattern of the prophetic judgment oracles, analyzed by P.D. Miller: The divine response, announced by the prophetic oracle, establishes a relation between the two, at first sight, completely unrelated occurrences: Since the priests *rejected* the knowledge, YHWH will now *reject* them (Hos 4:6) (See Miller, *Sin and Judgment*, 12).

Jean Bottéro maintains that the *linguistic* model of cuneiform writing itself explains the semantic peculiarities in some of these hermeneutical rules. In an early stage, cuneiform signs were mnemotechnic devices; they *pictured* an aspect of reality. Later, this picture was separated from its original reference and came to stand for the sound of this reference. As such, it could be used to designate a completely different aspect of reality that was, however, still somehow related to its original reference. In the same fashion, the diviner reads the signs that he observes, as signs that portend an aspect of reality that is intrinsically connected to it (See Bottéro, *Mesopotamia*, 67-86).

I turn to you, I seek you out.
 Command among the gods life (for me),
 May the gods who are with you speak favorably of me.²³

According to this prayer, there is a debate in the judicial assembly. In this debate, Shamash's word has great weight. The judicial verdict is attained here in this debate. The convening of the judicial assembly and the petitioner's appeal to it at the propitious time, at dawn, have a realistic dimension.

In the *ikribu*-prayer, the divine verdict is expressed in the form of an *oracle of salvation* written into the exta of the sacrificial animal that the diviner can translate on the basis of the hermeneutical rules of divination.²⁴ The concern of Psalm 7 is different. The petitioner is not asking for a judicial verdict in the form of an oracle of salvation but for a judicial decree that manifests itself in the annihilation of the evil that is threatening him.

The prayer of the diviner shows that one cannot understand the construal of the world implied in the ancient Near Eastern religions without taking into consideration the universal system of reference that they presuppose. Life is dependent on the gods' issuing of omens that determine political and military events as well as events in the personal life. Evil is a transpersonal force that only the divine assembly, over which Shamash, the supreme judge, presides, can control. Human beings are creatures who are exposed to this interaction of powers and forces of which they themselves are an integral part. By appealing to the supreme judge of the universe, human beings can try to attain judicial verdicts that give their lives a favorable course. The ritual of the diviner shows clearly how the gods directly transmitted their favorable verdict. The gods inscribed it in the exta of the sacrificial animal, and this verdict *changed* the reality of the petitioner.

The prayer of the diviner to Shamash, the judge, has made visible the universal horizon of the deity's judicial acting. In the Old Testament, the prophet's attending the gatherings of the divine council and his proclamation of oracles can be compared to the acting of the diviner in the Mesopotamian texts. Also in Psalm 7 the psalmist's appeal to YHWH, the judge, who presides over the judicial assembly, has to do with this universal horizon of divine power.

²³ Translation: B.R. Foster, *Before the Muses*, 650.

²⁴ The task of the diviner is closely related to that of the prophet. Cf. Weippert.

The petitioner expects the overcoming of his enemies from a judicial verdict to be decreed by the divine assembly. We will now have to look more closely at how this active use of power by the judicial assembly was imagined to manifest itself in such a way that the petitioner really experienced a change of his situation.

In the following, we will look at *incantations* to Shamash, the judge, that ask for the deliverance from the effects of evil omens and from the machinations of demons and sorcerers. In these incantations and rituals, to be enacted by the professional incantation-priest (*āšipu*), the *reversion* of evil against their doers plays an important role. It is, as we will see, parallel to the self-annihilation of the enemies described in Ps 7:13–17, and this causes the petitioner's change of mood.

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CHAPTER NINE

DIVINE ACTING AS JUDGE IN THE CONTEXT OF INCANTATION-RITUALS AND INDIVIDUAL COMPLAINT PSALMS

9.1 INTRODUCTION: YHWH'S REVERSION OF EVIL IN Ps 7:13-17

Our basic question is "how the deliverance of the oppressed in the enemy psalms that is testified to as YHWH's exclusive act, has been realized *in practice*." *How* has YHWH delivered them? How has *YHWH* interfered in their lives? What moves them to praise and thank *YHWH* for their rescue?

Ps 7:13-17 describes how the judicial verdict that YHWH has decreed in the height manifests itself in the enemies' self-annihilation:

Truly, again he whets his sword,
he has bent his bow and strung it.
But for himself he has prepared deadly weapons,
is he making his arrows into fiery shafts.
Behold, he conceives evil and is pregnant with mischief
and brings forth deceit.
He [has] made a pit and dug it out,
but he fell into the hole that he was making.
His mischief returns upon his own head
and to the crown of his head descends his violence.

Vv 13-17 describe the execution of the *judicial verdict* that YHWH issued in the divine assembly in the height (vv 7-12). YHWH decrees this judicial verdict in response to the petitioner's cry for help and in response to his *righteousness* (*sedeq*). YHWH has examined the psalmist's heart and kidneys and found them to be in harmony with YHWH's own righteousness (*sedeq*). *YHWH* is the one who implements the judicial verdict; it manifests itself in the enemies' self-annihilation (vv 13-17).¹

¹ Usually, scholars interpret this self-annihilation of the enemies in terms of the doctrine of act and consequence, allegedly developed by wisdom tradition. According to it, the fate would be the automatic consequence of the deed, without any divine intervention. Cf. the discussion of K. Koch's proposal above. In contrast, we will

9.2 INCANTATIONS TO SHAMASH, THE JUDGE

The claim in the following is that the setting of Psalm 7 which addresses YHWH, the judge, corresponds to that of the Babylonian and Assyrian *incantations* that are directed to Shamash, the judge, and the gods of wisdom and magic, Ea and Marduk.² There is a structural analogy regarding the place, the form, and the purpose of the prayers, and regarding the way in which divine acting manifests itself.³ In these incantations, the petitioners are in personal distress; they are stricken by illness, suffering from the effects of witchcraft that has been practiced against them, or experiencing the effects of a curse that has been pronounced against them. Their whole persona, their body is afflicted. They experience the distress as being caused by forces which disrupt the petitioner's interaction with his world and are beyond his control. They see the affliction as the work of an enemy who threatens their life. The threat by enemies is thus *real*. In this situation of suffering, the distressed person appeals to the divine judge for a verdict.⁴ He expects Shamash's verdict in

show in the following that the self-annihilation of the enemies can be understood adequately only as the outcome of *divine* acting.

² For the analysis of the form and genre of the Sumerian incantations cf. A. Falkenstein, *Die Haupttypen der sumerischen Beschwörung literarisch untersucht* (LSS NF vol. 1; Leipzig: J.C. Hinrichs, 1931); for the analysis of the Babylonian and Assyrian incantations see W.G. Kunstmann, *Die babylonische Gebetsbeschwörung* (LSS NF vol. 2; Leipzig: J.C. Hinrichs, 1932), and W. Mayer, *Untersuchungen zur Formensprache der babylonischen Gebetsbeschwörungen* (= StPohl SM 5; Rome: Biblical Institute Press, 1976). There are other genres of prayers in Sumerian and Akkadian literature (penitential prayers = *er.ša.hun.ga*, *dingir.ša.dib.ba*-prayers, that is, prayers concerning the personal god of the petitioner, letter-prayers, communal laments). For the differences between the incantations and these other genres of prayer-literature see W. v. Soden, "Art. Gebet," *RLA* III, 156–170.

³ We had pointed out above in chap. 4 that the incantations to Shamash, Ea, and Marduk can be compared only to those individual complaint psalms in which the annihilation of evil threatening the petitioner is at the center. Those psalms that are primarily concerned with the absence of God are more closely related to the prayers to the *personal* God, although there are, as Lindström has pointed out, fundamental differences regarding the reason for divine absence in both contexts. We thus claim, in the following, that, with regard to their setting in the private cult, there is a basic analogy between individual complaint psalms and incantations. With regard to content and purpose, however, only a few psalms can be compared with the incantations (e.g., Psalms 7, 57, and 64). This is a significant modification of Gerstenberger's thesis who had established a *general* parallel between these two types of prayers (*Der bittende Mensch*, 113–118).

⁴ In the Assyro-Babylonian religion a distinction is made between the official *divine cult*, taking place at the temple and involved with praising and taking care of the gods, and the so-called *sacramental cult*, concerned with the individual human,

the divine judicial assembly to restore him and to free him from the malevolent machinations of his enemies. This situation most closely resembles Psalm 7. In Psalm 7 as well the petitioner is afflicted, his whole persona is exposed to the machinations of the enemy. This is his distress, and this is the reason why he invokes YHWH, the judge, appealing for a verdict in his case.

An incantation to Shamash, the judge,⁵ that is recited in a cultic-ritual context as the opening prayer of an incantation ceremony,

taking place in the private sphere, either in the house of the sick or distressed, or at an isolated place, especially prepared for the cultic-ritual act. Its purpose was to liberate human beings from all forms of evil attacking them. The name "sacramental cult" was coined by J. Bottéro who explains it as a "veritable cult, addressed to the deity, directed to her and recognizing her as the creatrix of the world, but having as its purpose to obtain from her an advantage for the faithful, and this through a mixture of significative acts and words, adapted, at the same time, to these acts and to the goal pursued." (J. Bottéro, "Les exorcismes complémentaires des oracles. Comment on se gardait du mal prédit par les oracles," in *Mythes et rites de Babylone* [Bibliothèque de l'école des Hautes Études IVe section; Geneva-Paris: Slatkine-Champions, 1985] 19-64, see 58). According to the Babylonian religion, human beings were created by the gods to take care of their sanctuaries, to dress them, to nourish them, and to praise them (*divine* cult). In exchange for this service, human beings could expect to receive protection from the gods (*sacramental* cult). In the same way that the human king had the responsibility to guarantee the wellbeing of his citizens, so the gods had the responsibility to protect human beings from all sorts of attacks of evil demonic forces and energies that could destroy human life. This fight against evil in all sorts of manifestations was an existential necessity for human beings. It took place in the sacramental cult. Cf. J. Bottéro, "Art. Magie," *RLA* VII, 211. For the distinction between *official* and *private* cult, see also E.S. Gerstenberger, *Der bittende Mensch*, 111-112.

⁵ It is important to keep in mind that addresses to Shamash to intervene as judge are not limited to incantation literature but are present in different genres of prayers. As we saw, one of them is the *prayer of the accuser* in the framework of the ordeal. Another important genre is the *intercessory* prayer to Shamash, the judge. William Hallo has published the letter of king Sin-Iddinam of Larsa to the sungod Utu, in which the king intercedes for his city that has been affected by a plague (William W. Hallo, "The Royal Correspondence of Larsa: II. The Appeal to Utu," in *Žikīr Šumim. Assyriological Studies Presented to F.R. Kraus on the Occasion of his Seventieth Birthday* [eds. G. van Driel, Th.J.H. Krispijn, M. Stol, K.R. Veenhof; Leiden: E.J. Brill, 1982] 95-109). The king urges Utu/Shamash not to "stand aloof like an enemy/stranger" (line 20) but to take pity and to "look with favor upon your city Larsa" (line 34):

Quickly say "woe" to your stricken city!
 Say "woe!" (its) sanctuary! How long?
 Take pity on [Larsa]!
 Inquire into the plague which has broken out in it!
 Cause it to leave your city Larsa! (lines 35-39)

This letter-prayer is similar to Abraham's intercessory prayer to "the judge of the whole earth" in Genesis 18. In the same way as YHWH, Shamash acted as judge

asking Shamash to decree a favorable verdict that will *undo* the evil that is threatening the petitioner, reads as follows:

O Shamash, noblest of the Annuna-gods,
 most lordly among the Igigi-gods, sublime leader, guide,
 Judge of heaven and earth, not changing in his command,
 O Shamash, who controls darkness, who provides light for the people,
 O Shamash, when you set, the peoples' light is darkened,
 O Shamash, when you rise, the four quarters brighten.
 The destitute, widow, waif, female companion,
 At your rising, all humanity is warmed.
 Beasts, living creatures, animals of the steppe,
 Bring (?) you (?) their life (?), their wealth (?).
 You judge the case of the oppressed man and woman, you administer their verdicts.

I, so-and-so, son of so-and-so, exhausted, kneeling,
 Who am bound by the anger of a god or goddess,
 A ghost, a lurking demon, a spirit, a "wind" spirit, goose pimples,
 dizziness, paralysis (?), vertigo,
 Joint pain, irrational behavior, have exacted a toll of me and each
 day have left me (more) stunned.

O Shamash, you are the judge, I bring you my life,
 I kneel for a verdict on the disease that has its hold upon me.
 Judge my case, give a verdict for me,
 Do not go [] to another case.

After you have administered case and verdict,
 And my constraint is loosed and flown away from my [body],
 I will always trust in you.
 May the gods bless (?) you,
 May the heavens rejoice on account of you,
 May the earth rejoice on account of you.⁶

In the same way as in Psalm 7:7–12, the petitioner appeals to the deity in his function as judge to deliver him from evil. The first part of the prayer, the invocation, is a hymnic appraisal of Shamash's power and might. It ends with the petitioner pointing to Shamash's office of judge: "You judge the case of the oppressed man and woman, you administer their verdicts." He then introduces himself

in different contexts and settings. There further is one type of prayers to Shamash, the judge, that does not form part of the incantation-literature but has, with regard to the logic of the *ritual-cultic enactment* of Shamash's judicial verdict, structural similarities with the incantations. It is the *ikribu*-prayer of the divination-priest (*barû*) (cf. chap. 8 above).

⁶ Translation B.R. Foster, *Before the Muses*, 637f.

to Shamash ("I, so-and-so, son of so-and-so") and describes his condition, enlisting the possible causes of his distress (anger of god or goddess, ghost, demon, and the like) and describing their effect. In the third part of the prayer, he proceeds to appeal formally to Shamash for a favorable verdict: "I kneel for a verdict on the disease that has its hold upon me. Judge my case, give a verdict for me, do not go [] to another case."⁷ In the final part, the petitioner promises that, in response to his deliverance, he will stay faithful to Shamash. He concludes with blessing Shamash.

One form in which evil manifested itself was in the form of evil omens, that is, portents that anticipate evil for their addressee. Evil threatened human life also through the machinations of demons and sorcerers. These machinations that could be curses, badmouthing, imprecations, and the like, were experienced as having a real effect on the one affected by them. They led to sickness and social isolation. Only *divine* intervention, only the power of the gods was able to annihilate the forces of evil threatening the petitioner. The distressed person could—via the incantation-priest (*āšipu*)—appeal to Shamash, the supreme judge of the gods, urging him to liberate the petitioner from these manifestations of evil powers. The *namburbi* incantations and the corresponding ritual enacted by the incantation-priest on behalf of his client are appeals to Shamash, the divine judge, urging him to decree a judicial verdict that would undo an evil portent, dissolve it, or change it into a favorable one.⁸

The incantation to Shamash, the judge, quoted above, is the opening prayer in a ritual *ceremony* that has several stages. The incantation-ceremony is an enactment, a sort of *theatrical* staging, in the course of which the elimination of the very evil threatening the distressed is not only asked for but is also symbolically enacted, so that, after the ceremony is concluded, the petitioner has, in fact, experienced the *deliverance* from his or her distress.⁹

⁷ It is significant that the condition of *illness* moves the petitioner to appeal to Shamash, the judge. This is clear evidence that judicial language is not confined to strictly legal matters (against Beyerlin).

⁸ See Stefan M. Maul, *Zukunftsbewältigung. Eine Untersuchung altorientalischen Denkens anhand der babylonisch-assyrischen Löserituale (Namburbi)* (Baghdader Forschungen 18; Mainz: Philipp von Zabern, 1994).

⁹ J. Bottéro, "Art. Magic," *RLA* VII, 200–234. As we will see, this corresponds to Psalm 7 where vv 13–17 narrate the divine execution of the verdict against the agents of evil, so that in v 18 the petitioner can promise to praise YHWH on account of God's righteousness.

At the center of these theatrical enactments stands the professional incantation-priest (*āšipu*). He is the representative of Ea, the lord of the exorcism. The prominent task of the god Ea is the overcoming of the powers of evil. Ea is, according to the *Atrahasis*-epos, the creator of human beings. As such, he is concerned and responsible for their well-being and happiness. As creator and god of wisdom, he has the techniques and the know how to deal with evil effectively. The incantation-priest is in charge of selecting the adequate incantation-prayer; he is the expert who knows which ritual is most adequate for overcoming this specific kind of evil.¹⁰ He is responsible for enacting the ritual for his client, in the course of which Shamash is urged to intervene as judge and to decree a favorable judicial verdict. The major gods that played a role in the sacramental cult were thus Shamash, the supreme judge of the gods, and Ea and Marduk, the gods of wisdom and magic. In the following, we will analyze a *namburbi* ritual, paying special attention to the way evil is successfully annihilated in the course of the ceremony.

9.2.1 *Namburbi-Rituals: The Procedures of "Dissolution" of the Evil Fate Announced by the Omens*

In the case that an omen announced a negative future and thus a *negative* decree by the gods, the incantation-priest or the human whom the sign concerned could appeal to Shamash, the supreme judge of the gods, to change the negative omen into a positive one by decreeing a *favorable* judicial verdict that would ward off the evil announced by the oracle.¹¹ The *namburbi*-prayers ask for a judicial verdict that

¹⁰ The incantations are collected in series for their repeated use. Though there is no indication in the *psalms* that a ritual expert is responsible for performing a ritual for his client, the *psalms* appear in a systematized form of separate collections. In this regard the incantations are similar to the *psalms*. It is widely acknowledged that their language is of a formulaic character. They have superscriptions and were collected for their repeated use in many similar situations of distress. This distinguishes them from the prayers of the accuser in the *ordeal* procedures, which appear in disparate literary settings, often in extensive narrative contexts. In the Assyro-Babylonian religion, the incantation-priests are the professionals who are responsible for the collection and transmission of the incantations.

¹¹ See Bottéro, *Mesopotamia*, 124: "Divination did not exist on the level of the unavoidable and did not appeal to forces which were in some way metaphysical and immovable. It did not relate to decisions that were arrived at for all eternity and that were infallibly realized. Such gods are unknown in Mesopotamian theology. In that theology the role of the representatives of the supernatural world was to administer the world. The gods functioned like the kings on earth but on a supe-

would protect from the consequences of an *unfavorable* sign.¹² *Namburbi* is Sumerian for "its solution" and refers to the dissolution of an evil portent. The *namburbi* is thus always enacted in *reaction* to the result of deductive divination. A judicial verdict by Shamash, the supreme judge of the universe, or by other deities functioning as judges, is the only protection against the evil announced by omens. The judge's task is to establish *life* over death, *health* over sickness, *cosmos* over chaos. The petitioner can appeal to the *judge* of the universe, urging him to revoke or change the omen through his judicial decree. Only Shamash, the god who establishes justice among the gods, has the power and authority to decree a judicial verdict that will be respected by the other gods and is thus valid. Shamash's verdict would *change* the bad omen into a good one and thus dissolve the evil announced by the omen. His judicial verdict was an *oral statement* that was "irrefutable," a "yes that no other god could change."¹³

The judicial verdict by Shamash sets the larger frame, within which the annihilation of the evil will take place. Shamash's favorable verdict is the most important condition, without which the annihilation of the evil cannot take place. The gods *Ea and Marduk* play an important role in the dissolution of evil and in human beings' protection from evil forces. In fact, Shamash's, the universal judge's, verdict opens the way for Ea and Marduk to heal human beings. They cannot do this without the protective verdict of the judge. One could thus say that Ea and Marduk are the gods that *execute* the verdict Shamash has decreed.

rior level, with a power and an intelligence infinitely larger, and with immortality in addition. They governed and regulated the role and the fate of their subjects. But, as with kings, their decisions were always tied to circumstances, and were perfectly modifiable on condition that one knew how to deal with them. These are the decisions that the gods communicated, directly or 'in writing,' in the revelations or dream omens; and these are the decisions that the people involved had to avoid, and could change by prayer and the prayer rituals."

¹² For the latest and most comprehensive edition of *namburbi*-incantations and rituals see Stefan M. Maul, *Zukunftsbewältigung*.

¹³ One of the oldest *namburbis* is based on the simple notion that Shamash can, through his judicial verdict, *change* the negative omen into a positive one. In a prayer regarding the ominous significance of a bad dream, the petitioner prays:

"Oh Shamash, you are judge, judge my case. You who renders decisions, render one for me, the evil dreams which I have had, make favorable!
May I walk the straight road!"

This *changing* of a bad into a good omen is based on the power of the spoken word. It implies the notion that reality is a sphere of powers that responds to verbal commands. If the dream is an oracle foreshadowing reality, Shamash's sentence can revoke it and shape reality in a different way.

It is a characteristic feature of most namburbis that *addresses* to Shamash and other gods are embedded in *rituals*. Ritual procedures accompany the petitioner's prayer for a judicial verdict; they symbolically enact the verdict's execution.

The following is a rather complex namburbi-ritual.

9.2.2 *A Namburbi-Ritual Against the Evil Announced by the Behaviour of Dogs*

People took it to be a bad omen when a dog howled or whined in a house or urinated on a person. The dog and his act are only a sign of the evil threatening the person concerned and that he wished to be eliminated. The namburbi-ritual will dissolve the still invisible evil that is intrinsically connected to this sign and that it foreshadows. The ritual for the dissolution of the evil has the following sequence of acts:¹⁴

First, the incantation priest follows precise ritual instructions. He fashions a clay figurine of the dog, makes an altar for Shamash at the side of the river, and provides it with food-offerings (lines 14–21). Following these preparations, his client kneels down. Lifting up the figurine of the dog, the priest has him (lines 22f.) recite three times the following prayer to Shamash (lines 24–33):

O Shamash, king of heaven and earth,
 judge of above and below,
 Light of the gods, guide of mankind,
 Who judges the cases of the great gods,
 I turn to you, I seek you out.
 Command among the gods life (for me),
 May the gods who are with you speak favorably of me.
 On account of this dog that has urinated on me,
 I am afraid, anxious, frightened.
 Deliver me from the evil of this dog,
 Let me sound your praises!¹⁵

The client initiates a law-suit to Shamash, the judge. He asks Shamash to “command among the gods life” for him, that is, to pronounce a favorable ruling in the judicial assembly. He then briefly describes

¹⁴ KAR n64 (VAT 8960; ass.). Edition and translation: S.M. Maul, *Zukunftsbewältigung*, 312–322.

¹⁵ Translation: B.R. Foster, *Before the Muses*, 650. See Maul, *Zukunftsbewältigung*, 321–22.

his distress and the reason for his appeal to the divine judge; his appeal closes with the promise to praise Shamash.

After the client has recited this prayer three times, the incantation-priest turns to the *figurine* of the dog (lines 34–5). Addressing it, he transfers the evil that has already taken possession of the patient, back to it. The priest acts here in representation of his client. At the same time, there is a *symbolic identity* between the client and the figurine. The basis of this symbolic identity is the evil that has taken possession of the client. This symbolic identity allows the priest to transfer the evil to the figurine as the client's substitute. He now reverts it to the figurine:¹⁶

As a substitute for myself I have given you. In representation of myself
I have given you.
I have washed off over you every evil from my body.
I have washed off, I have washed off,
I have washed off every evil from my flesh.
I have washed off over you every evil from my outward form.
I have washed off over you every evil that is before and behind me.

In the opening prayer, the client had appealed to Shamash, the supreme judge of the gods, to "command life for him" in the assembly of the gods. Now, the incantation priest turns to the evil, addresses it, and starts dissolving it. This incantation thus indicates a change of perspectives in the ritual. The verbal transfer of the evil from the client to the figurine is the *execution of Shamash's judicial verdict*. The ritual does not directly attribute the dissolution of the evil to Shamash. Shamash's favorable judicial verdict has rather *opened* the way for initiating the evil's reversion back to its origin. To effectively bring about this reversion is the task of the gods of wisdom and magic, Ea, and his son, Marduk. Their human representative is the incantation-priest. In representation of these gods he symbolically reverts the evil, that has already taken possession of the client, to its origin. This is its effective annihilation.

Stefan Maul infers from these transfer rites that the evil has to be seen in a materialistic way as a substance that has affected the petitioner and that needs to be washed off.¹⁷ It is more plausible,

¹⁶ The incantation is spoken by the exorcist. It implies that he is holding his client's hand and speaks the incantation for him. It also implies that the client has previously performed the washing rite mentioned in the incantation. (Cf. Maul, *Zukunftsbewältigung*, 321 n. 56).

¹⁷ See S. Maul, *Zukunftsbewältigung*, 5–6.

however, to regard the petitioner as being exposed to the impact of forces and powers. His whole bodily existence is under the influence of these forces. He has become part of them. That is why he has to appeal to Shamash, the judge of the gods, to free him from these powers. The transfer-rite takes with it part of the existence of the petitioner. Rather than just being a *washing rite* that removes a material substance from him, it is an exercise of power, in which the *reversion* of the evil takes place. This reversion of the evil, the effective combatting of evil powers, is the work of the gods of magic and wisdom, Ea and Marduk. The incantation priest who is acting in Ea's and Marduk's stead, can enact this reversion only after he has obtained Shamash's judicial verdict, and the transfer of the evil back to its origin takes place "in the presence of Shamash" (line 41).¹⁸

The ritual does not end with this transfer of evil back to its origin. The next stage is its safe *elimination*. Leaving the presence of Shamash, the client addresses the river-god (cf. the ritual instruction in lines 41-42) as follows (lines 43-55):

O Lord, you are the river who creates everything,
 I, so-and-so, son of so-and-so, whose god is so-and-so, and whose goddess is so-and-so,
 this dog has urinated on me,
 so that I am frightened and afraid.
 As this figurine will not return to its place, May its evil not approach me, may it not come near, may it not press upon me, may it not affect me!
 May the evil of this dog depart from my body,
 that I may daily bless you,
 that those who see me may forever sing your praise!
 Incantation: Take this dog straight down into your depth.
 Do not release it! Take it down into your depth! Extract the evil of this dog from my body!
 Grant me happiness and health!¹⁹

After, again, reciting this prayer three times, he throws the figurine into the river. This is the last stage in the process of the evil's dis-

¹⁸ The namburbi-ritual *cuts* the connection between the sign and the evil announced by it. It cuts the "thread of evil." This "thread" is not *material* in an empirical sense. It is not a substance. It rather is the manifestation of a *power* that has to be acted upon *verbally* and *ritually*.

¹⁹ For the translation cf. R.J. Caplice, *The Akkadian Namburbi Texts: An Introduction* (SANE 1/1; Malibu, CA: Undena Publications, 1974) 17 (Text 7 Rev. 6).

solution. The ritual concludes with the patient's *purification* and his reintegration into the community. The incantation-priest is instructed as follows:

Then you purify him with holy water. He shall not look behind him.
He enters the bar. That evil is dissolved. (lines 57-8)

At the beginning of this complex namburbi-ritual stands the client's law-suit to Shamash, the judge of the gods; the client appeals to Shamash to decree a favorable judicial verdict for him in the assembly of the gods. Shamash's verdict authorizes the gods Ea and Marduk to annihilate the evil, a procedure that the incantation-priest, their human representative, subsequently enacts symbolically. He conjures the evil, represented in the figurine of the dog, that has already taken possession of his client. Declaring it to be the client's stand-in, he transfers the evil back to it; he returns it to its origin. This is both a *verbal* and a *ritual* act. While the priest *addresses* the figurine of the dog, the client *washes* himself over it. Next, after addressing the river with an incantation, urging it to take the evil with him, the client throws the figurine, to which the evil had been reverted, into it. After this elimination-rite, the incantation-priest purifies the client with holy water; his reintegration into the community is symbolized by his entering the pub.

There are parallels between Psalm 7 and the namburbi-rituals. In both texts, the petitioner initiates a lawsuit to the supreme judge of the gods, urging him to issue a favorable judicial verdict for him. In both texts, a distinction is evident between the issuing of the verdict in the assembly (Ps 7:7-12) and its execution (Ps 7:13-17). In the Babylonian texts, Shamash *decrees* the verdict; its *execution* is Ea's and Marduk's task. In Psalm 7 as well, even though YHWH is in charge of both issuing *and* executing the verdict, the fact that the execution is described in the general terminology of wisdom tradition (vv 13-17) sets it apart from the issuing of the verdict in the assembly (vv 7-12). The acting of the deity as judge is of eminent significance, even though the evil itself is of a different character in both cases. A verbal judicial verdict annihilates the evil. The elimination of evil takes place in the course of the ceremony, respectively, in the course of the recitation of the prayer (Psalm 7).

9.3 STRUCTURAL ANALOGIES BETWEEN INCANTATION-CEREMONIES AND INDIVIDUAL COMPLAINT PSALMS

9.3.1 *Incantation-Ceremonies*

9.3.1.1 *The Petitioner's Liberation from Evil*

Human beings encounter evil not only in the form of *evil portents* that anticipate a threat, and that can be warded off with the help of namburbi-rituals, but also in the form of *curses* and *machinations of demons and sorcerers*. Also in these cases the person can appeal to Shamash to intervene as judge and to decree a verdict that would block the evil and annihilate it. Evil is here clearly perceived as an energy and a force that pervades the sphere of life. Human beings are helplessly exposed to it and have no protection against it. Only the gods can, by addressing it via the exorcist, banish and dissolve it. The corresponding rituals are the anti-witchcraft rituals.²⁰ Again, we will give special attention to the way the execution of the verdict is described. We had seen that in the namburbi-rituals the *transfer* of the evil back to its origin plays a crucial role. It is the work of the gods Ea and Marduk. Several procedures revert and thus annihilate the evil (washing rites, the verbal clash of opposites, etc.). In the following, we will see that in the anti-witchcraft-rituals the specific language of *reversion*, characteristic of Ps 7:13–17, appears. We will analyze *how* this reversion is imagined to be occurring.

Whereas in past research only the literary or verbal part of these incantations has been looked at,²¹ not, however, the way they are

²⁰ See e.g., G. Meier, *Die assyrische Beschwörungssammlung Maqlû* (AfO Beiheft 2; Berlin: Akademie, 1936).

²¹ The comparison of the psalms of complaint of the individual with Babylonian incantation-literature has a long history. S. Mowinckel was the first to compare the representation of the *enemies* in both literatures. He came to the conclusion that the enemies in the psalms of the individual are, as in many Babylonian incantations, demons and sorcerers (S. Mowinckel, *Psalmstudien I. Awân und die individuellen Klagepsalmen* [Amsterdam: R. Schippers 1961; reprint]). This work was first published in 1919). Mowinckel based his theory on only one name for the enemies in the psalter, the *po'ale 'awen*. His theory was refuted because of his narrow equation of the psalmist's enemies with demons and sorcerers. However, the general scope of his observations remains valid. The parallels between Babylonian incantations and biblical psalms that Mowinckel adduces are important. S. Mowinckel was the first to notice that the reversion motif in Ps 7:13–17 has its parallel in Babylonian incantations. See *ibid.*, 88 n. 5. The whole discussion of the theory of the act-consequence relation (Klaus Koch) would have appeared in a different light, had scholars taken these parallels seriously. Once one takes the demons and sorcerers

embedded and function in their *ritual* setting,²² E. Gerstenberger has stressed the fact that the incantation-prayers cannot be understood apart from the ritual context in which they are embedded and he undertook it to describe this context. For him, the incantation-ritual is above all a *petitionary* ritual: "We can understand the Babylonian incantation-ceremony as a petitionary act that the distressed or endangered person addresses to his god or to a god to be won as an intercessor."²³ For Gerstenberger, the ritual is, basically, the theatrical enactment of the verbal *petition*. Gerstenberger assumes that a *salvation-oracle*, proclaimed by the incantation-priest, was the divine response to the petition. This answer to the petition would lie beyond the petitionary ceremony itself, and that would be the reason why no such oracle is mentioned in the incantations.²⁴ From his analysis of the incantation-ritual, Gerstenberger concluded that a similar ritual

in the Babylonian incantations to be representatives and exponents of evil powers and forces, the comparison with the enemies in the psalms has a broader basis. In fact, the basic purpose and structure of the sacramental cult, namely, to liberate the humans from the life-threatening effects of evil helps one to understand that in the biblical psalms of individual complaint the enemies are basically exponents and representatives of evil forces and energies. Evil is a reality. The Babylonians acknowledged this reality of evil and took account of it by creating whole cultic procedures with the sole purpose to provide the humans with means to overcome and defeat the evil forces and powers. The difference between the two literatures is that in the psalms the enemies are often historicized (peoples, etc.). They nevertheless have a mythical quality and are exponents of the reality of evil. It is too simplistic to declare the enemies to be the psalmists' *projections* of their own fear. This would be to negate the reality of evil and to locate it only in the fears and phantasies of the psalmist. A representative of this approach is O. Keel, *Feinde und Gottesleugner. Das Image der Widersacher in den Feindpsalmen* (SBM 6; Stuttgart: Katholisches Bibelwerk, 1968). In analogy to the complementarity between divine-official and sacramental-private cult characteristic of the Babylonian religion, E. Gerstenberger had already argued in a more general way for a structural analogy between psalms of complaint of the individual and the Mesopotamian incantations (E. Gerstenberger, *Der bittende Mensch*, 113–118). He reconstructed the private sphere as the ritual setting in which the Assyrian and Babylonian incantations had their place.

²² This is J. Bottéro's critique of the investigations by Falkenstein, *Die Haupttypen der sumerischen Beschwörung*; Kunstmann, *Die babylonische Gebetsbeschwörung*; and Mayer, *Untersuchungen zur Formensprache der babylonischen Gebetsbeschwörungen*. See Bottéro, "Art. Magie," 201.

²³ Gerstenberger, *Der bittende Mensch*, 112.

²⁴ The reason for the lack of an oracle of salvation to the distressed person in the incantation ceremony is very simple. The proclamation of a divine oracle to his client is not the task of the incantation-priest (*āšipu*) but rather that of the divination priest (*baru*) in the *divination-ritual*. The two rituals have a different purpose. The divination-ritual is diagnostic or prognostic. It is concerned with the future that lies ahead of the inquiring person. The incantation ritual, in contrast, is concerned with the *overcoming* and the *elimination* of the evil that is *already* affecting the petitioner.

has to be presupposed for the individual complaint psalms. He argued that also here a ritual expert would have been responsible for enacting a ritual ceremony for the petitioner.²⁵ Similarly, an oracle of salvation proclaimed by the ritual expert in response to the ritual ceremony would account for the petitioner's deliverance from his or her distress.

What has not been taken seriously so far is that in the enactment of the Babylonian incantation ceremony the distressed person, on whose behalf it takes place, is really *liberated* from this distress, a liberation that the incantations attribute univocally to the gods invoked in the course of the ritual.²⁶ Gerstenberger did not realize that in the interaction of manual and verbal acts the very *annihilation of the evil* and the *liberation of the client* take place. The ritual of the *āšipu* does not symbolically enact the *petition*; it rather enacts the petitioner's *deliverance* from the evil threatening him. In the incantation-rituals, the change of mood from distress to joy occurs, as J. Bottéro convincingly demonstrates, in the course of the ritual itself.²⁷ This is of crucial importance for the comparison with the psalms of individual complaint, because in some of these psalms *the change of mood from lament to joy*, and that is, the divine action in favor of the petitioner, takes place in the course of the recitation of the psalm itself (Ps 7:13–17). The petitioner's liberation from evil occurs in the course of the enactment of the ceremony, respectively, of the recitation of the prayer. What the incantation-priest enacts in the course of the

²⁵ Gerstenberger's reconstruction of the ritual setting of individual complaint psalms in analogy to the setting of the incantations is convincing. However, it is to be doubted that there is a general analogy between individual complaint psalms and incantations. As we have already pointed out, many complaint psalms are concerned with the restoration of divine presence. They complain about the absence of God, something which is not a topic in the incantations except for the prayers to the *personal god* (*DINGIR.ŠA.DIB.BA*). The concern of the incantations is the annihilation of the forces of evil attacking the petitioner. Therefore, only those psalms which ask YHWH primarily for the elimination of evil are to be taken as parallel to the incantations. Specifically, I see Psalm 7 as a close parallel and, in addition to it, those individual complaint psalms in which the annihilation of evil is described in terms of the reversion of evil against its agents (Pss 64, 57).

²⁶ This is the main result of J. Bottéro's analysis of the Babylonian incantation ritual ("Art. Magie," *RLA* VII, 208–217).

²⁷ See J. Bottéro, "Art. Magie," *RLA* VII, 200–234. The prime example of an incantation in which the petitioner's mood changes in the course of the incantation itself is *Maqlū* I:1–36. For the interpretation of this text see further below. Since there is no oracle of salvation in the incantation ceremony, one will have to interpret the change of mood in those complaint psalms that are comparable to the incantations (Pss 7, 64, 57) in a different way.

ritual ceremony takes place, in the biblical psalms, in which a ritual enactment is not provided, in the realm of *universal reality*. We will now first look more closely at how the reversion of evil is enacted in the incantation-rituals.

9.3.1.2 *The Elimination of Evil in the Sacramental Cult*

In the *sacramental cult*, archaic magical enactments that once were effective by themselves (*ex opere operato*), are integrated in the larger horizon of divine agency.²⁸ The verbal and manual acts are now effective only through the power of the gods, not by themselves any more. However, since the verbal and manual acts of eliminating the

²⁸ J. Bottéro, "Art. Magie," 200–209. The so-called popular means of fighting the evil forces were based on magic manipulations that is, manual or verbal enactments that were effective by themselves and that functioned according to specific laws. Thus, in a *namburbi* invoking Shamash the judge, the petitioner himself *dissolves* the evil announced by the omen. He is told to act "before Sin and Shamash" as follows:

"If a man had a wrong dream he must, in order that its evil (consequences) may not affect him, say to himself before he sets (in the morning) his foot upon the floor: 'the dream I have had is good, good, verily good before Sin and Shamash!' Thus he shall say. (In this way) he makes a good *egirru* for himself and the <evil> of his dream will not come near him." (Leo Oppenheim, *The Interpretation of Dreams in the Ancient Near East* [Philadelphia, 1956] 300). The judicial verdict, issued by Shamash and enacted by the afflicted person, asserts that the bad dream was, "before Sin and Shamash," a *good* dream. The principle underlying this verdict is that of the *clash of opposites*. The three times repeated assertion that the dream was *good* invalidates the previous information that it was *bad*. The word annihilates the bad omen and gives the assurance that the evil announced by it will not *approach* the petitioner.

Another principle for protection from evil characteristic of the *namburbi* is that of its *transfer* from one's own person to a substitute. In this case, oral and ritual act complement each other: "If a man had an evil dream and is depressed: you shall make (lit.: roll) seven small balls of clay, he shall tell (*pasaru*) to them seven times the dream(s) he has had; you shall scatter (the balls) on a crossroad; before Shamash he shall say: 'May the dream I had go to a place of . . .!' Seven times he shall say (this) and he will be relieved." (Oppenheim, *The Interpretation of Dreams*, 304). The transfer of the evil to the balls of clay is inseparably a ritual *and* a verbal act: it is an act of performative speech. By addressing the dream to the balls of clay, the petitioner transfers to them the evil announced by it. The evil's dissolution realizes itself on several levels. The sevenfold repetition of the telling of the dream secures the *effectiveness* of the verbal action. The assumed symbolic identity between the speaker and the balls of clay (Ea makes the humans out of clay) facilitates the *transfer* of the evil from one to the other. Finally, the scattering of the balls of clay at a crossroads safeguards that the evil will be *dissolved* and not come near the petitioner. These two examples are simple recipes that allow the distressed person to act and to annihilate the evil. They basically were supposed to work *ex opere operato*, without the intervention of a deity. The humans are supposed to be "capable of an independent authority over things" (Bottéro, "Art. Magie," 211).

evil remain the same,²⁹ they now have something of a *theatrical staging* (Bottéro).³⁰ The symbolic forms of the annihilation of the evil are mimetically enacted, so as to give the gods an indication how they can, through their acting, eliminate the evil. In these theatrical stagings, the exorcist or incantation priest acts as the representative of the deity. For understanding the logic of the effectiveness of the symbolic actions, it is crucial to see that they make sense in a world-view that is completely different from the modern one:

Not only was that, which we consider to be inanimate, deemed to be accessible to the human word and will; in addition, one imagined things to be much more in solidarity than what we estimate them to be, connected through a sort of affinity and coherence, on account of which any part of a larger whole, even any part of an organized whole, had the same value as the entire ensemble: the ball of clay is the entire field from which one had extracted it; a finger-nail, a hair, is the individual him- or herself from whom one had taken it; and not only the name of a living being but all its actual or virtual graphic and phonetic components are the very personality thus designated.³¹

This belief that the inanimate world is accessible to the *word*, that there is a "solidarity between things," the notion that the part is the same as the whole (*pars pro toto*) account for the belief in the effectiveness of the ritual acts.

The basic notion expressed through these theatrical stagings is that the annihilation of the evil occurs when it is turned against itself. Turning the tables on the evil is the most secure and effective form of dissolving it. The *reversion-motif* designates a strategy for the incapacitation of power. The incantation-ceremonies attribute it to the gods and to the exorcist, their representative. The acting of the gods manifests itself in the symbolic acting of the priest. This acting does not necessarily have to be *manual*. In the incantation-liturgy *Maqlû*, the exorcist addresses the witch: "I dissolve your sorceries, I turn your words back into your mouth" (*Maqlû* VI:48).³² He turns the

²⁹ Cf. *ibid.*, 208-209. "The ancient apparel of magic remained, in this new perspective, at the same time, eloquent and useful, because against the same demonic and malign forces it offered the gods the complete and ready procedures which they only needed to ratify, to animate by passing their will and their power through them, in order to "realize" the intended result and to eliminate, as was the case in the realm of magic, but through an altogether different form of energy, the agents of evil" (*ibid.*, 211).

³⁰ "Comme en une action théâtrale" (*ibid.*, 211; cf. 218).

³¹ J. Bottéro, "Art. Magie," 207.

³² Cf. also *Maqlû* V:5-8.

words of the witch back into her mouth by using etymology as his instrument and by relating the witchcraft to verbs that have an annihilating significance:

- 29 My witch and the one who is bewitching me:
 30 Let her witchcraft *dissolve* like *ninu* (kima šam.nimî linušu kišpuša)
 32 Let her spells *prick* her like *cress* (kima šam.sahlî lišhulušî kišpuša)
 34 Let her spells *bind* her like *mustard* (kima šam.kasî liksušî kišpuša)
 35 Let her witchcraft *chop* her up like a *hasu-plant* (kima šam.ḥašûti liḥaššûšî kišpušá)
 36 Let her witchcraft *cover* her like *soot* (kima qitmi liktumušî kišpušá).³³

The etymological connection between the verb and the simile to which the witchcraft is compared accounts for the effectiveness of the reversion. This is similar to the *poetic justice* that Patrick D. Miller had discerned in the prophetic judgment oracles.³⁴ *Maqlû* II:160–180 is another incantation that demonstrates how the exorcist turns the words of the sorcerers “back into their mouth:”

They worked and keep on working against me,
 To roll me up like a mat,
 to clamp down on me like a bird trap,
 to wreck me like an embankment,
 to close over me like a net,
 to cord me like cordage,
 to climb over me like a rampart,
 to fill a foundation ditch with me,
 as if (I were) ditchwater,
 To pitch me out at the door like
 sweepings!

*I, by command of Marduk, lord of the evening (rites),
 And Asalluhi, lord of exorcism,*

Roll up my sorcerer and my sorceress like a mat,
 Clamp down on them like a bird trap,
 Wreck them like an embankment,
 Close over them like a net,
 Cord them like cordage,
 Fill a foundation ditch with them,
 as if (they were) ditch water,
 Pitch them out at the door like sweepings.

[May] the figurines of my sorcerer
 and my sorceress tu[rn into ashes?]³⁵

³³ *Maqlû* V:29–30,32,34–36.

³⁴ Cf. Chapter 3 n. 19 above.

³⁵ *Maqlû* II:160–180. Translation: B.R. Foster, *Before the Muses*, 866. Cf. also *Maqlû* VII:58–83.

The reversion occurs here through symmetrical actions. At the center of this tightly constructed symmetrical incantation stand the names of Marduk and Asalluhi, in whose authority the exorcist reverts the evil against itself. The reversion can take place not only through exact symmetrical actions ("They work to roll me up like a mat—I roll them up like a mat"), but also through actions that *oppose* and thereby annihilate another. In one incantation, the exorcist addresses the evil:

Fierce, raging, furious,
 overbearing, violent, wicked are you!
 Who but Ea can dampen you?
 Who but Asalluhi can cool you?
 May Ea dampen you,
 May Asalluhi cool you.
 My mouth is *water*, your mouth is *fire*.
 May my mouth *extinguish* your mouth,
 May the curse of my mouth *extinguish* the curse of your mouth,
 May the plot of my heart *extinguish* the plot of your heart!³⁶

The incantation sets in with a diagnosis (lines 139–40), followed by the insight that only Ea and Asalluhi can *dampen* and *cool* the evil. Since the *āšīpu*'s mouth is *water*, it will extinguish the *fire* of the evil. In analogy to how the water extinguishes the fire, the *āšīpu*'s *curse* and his *plot of heart* have the power to extinguish the evil's *curse* and *plot of heart*. But the reversion can also be directly attributed to the gods. In *Maqlû* VI:60–62 the exorcist addresses the gods:

[Shamash (?)], lord of the artesans,
 Ea, lord of destinies,
 [Asarilu]du, lord of exorcism!
 Slap her cheek! Turn her word back into her mouth.³⁷

In the incantations, the motif of the reversion appears in various forms. The exorcist (*āšīpu*) himself, acting in representation of the

³⁶ *Maqlû* V:139–148; translation: Tzvi Abusch, "An Early Form of the Witchcraft Ritual *Maqlû* and the Origin of a Babylonian Magical Ceremony," in: *Lingering over Words* (HSS 37; Cambridge: Harvard University, 1990) 23.

³⁷ Cf. also *Maqlû* V:26–28: "Let . . . take the witch before the judge, may the judge roar at her like a lion, slap her cheeks and turn her words back into her mouth," and VI:15–18 where the petitioner declares:

At my gate I have stationed Lugalgirra, the strong god, the messenger of the gods Papsukkal.
 They may [kill(?)] my sorcerer and my sorceress,
 [they may turn her word] back into her mouth.

gods, *addresses* the evil ("My mouth is water, your mouth is fire"). Further, he appeals to the *gods* to bring about the reversion ("Slap her cheek! Turn her word back into her mouth"). Or he orders the acts themselves to revert against their agents ("Let her witchcraft chop her [*liḥaššuši*] like a *ḥašu* plant"). All the variations in how the motif of reversion is formulated indicate as its underlying notion the *active* rebuttal or reversion of the evil. The reversion can occur through transfer rites (water). It can occur through the clash of opposites ("my words are water, your words are fire") or alliterations (*kima šam. ḥašuti liḥaššuši kišpušā*).

The annihilation of evil is enacted symbolically.³⁸ However, this symbolic enactment is transparent for the agency of the gods. There is a homology between the two. Thus the patient comes out of the ritual liberated from evil. The gods *have acted* in the course of the ritual, and they have acted effectively.

It is not surprising that the act of reversion is attributed to Ea, the lord of wisdom. He is the master of cunning and thus knows how to overcome the power of evil the most effectively. He knows how to overcome evil because he knows about its origin. Once one can trace back the origin of evil and understand it, one is in control of it; one can then dominate it and develop strategies to overcome it. Exactly this is Ea's doing. This is the principle of the incantations. They control evil by tracing back its origin and by thus understanding its logic. This is the reason why Ea, the god of wisdom, is responsible for protecting human beings from evil. This shows not only the acknowledgment of the *reality* of evil and of the need to combat it, but also that the rebuttal of evil is an *art* and a *skill* that needs expertise in order to be effective.³⁹ In the following, we will analyze a concrete example of Ea's expertise in annihilating the forces of evil.

9.3.1.3 "May She Gnaw at Her Own Fingers Like Cheese:" Ea's Reversion of Evil Against Its Agent

In a Sumerian Marduk-Ea incantation, Ea instructs Marduk how to rescue the victim of a witch's machinations.⁴⁰ The situation is somewhat

³⁸ Maybe from a modern perspective it is enacted *symbolically*. From the ancients' perspective laid out above, it is an *effective* annihilation of evil.

³⁹ See Bottéro, "Art. Magie," 229–230.

⁴⁰ For this type of incantations cf. A. Falkenstein, *Die Haupttypen der sumerischen*

different from that presupposed in Psalm 7. In Psalm 7, the petitioner appeals to the divine judge to decree a favorable verdict for him (Ps 7:2–12). Next, he reports YHWH's *execution* of the judicial verdict (Ps 7:13–17). The Marduk-Ea incantation to be looked at in the following gives us a glimpse at how such a divine verdict is *enacted*. The idea is that a God (Marduk/Asalluhi) who is perplexed in the face of the distress of the petitioner who has asked for his help, consults his "father" (Ea) who, after explaining that his knowledge is not larger than his son's, gives him, nevertheless, the recipe to use in order to overcome the distress, a recipe that the son is to enact in person. This scene plays in the heavenly realm between two gods and is mimetically enacted by the *āšīpu*, the incantation priest, the representative of the gods of magic Ea and Marduk. He is to enact the ritual by following the recipe that Ea has given his son: "The sacramental procedure is that of Marduk and the exorcist is his image" (*šalamšū*: his substitute).⁴¹ That is why, before the ceremony ensues, he has to purify and to present himself as invested by the gods with the capacity to execute with dignity, validity, and all the chances of success, the planned rites. In such a way, the exorcism is not a pure mimicry of vain gestures but a system of efficient traditional procedures.⁴² The acting of the incantation-priest (*āšīpu*) is embedded in the larger framework of the judicial activity of Utu/Shamash, the supreme judge of the universe. The incantation-priest is the "messenger of Ea" who asks Shamash to decree a favorable judicial verdict for his client. Only after Shamash has decreed his verdict, can the incantation-priest proceed to enact the rites that Ea has instructed Marduk, his son, to follow.

The distress of the person that Marduk reports to his father Ea is as follows: An "evil one" has caused pain to a man by having taken some of his hair, having made it into a figurine and having manipulated it. Further, she has cast a spell and dropped it into the man's food. Thus,

Beschwörung literarisch untersucht, 44ff. Cf. also J. Bottéro, "Art. Magie," *RLA* VII, 217 (§ 31), 227 (§ 47), and 231 (§ 56). For the edition and translation of the following text see I.J. Geller, "A New Piece of Witchcraft," in *DUMU-E2-DUB-BA-A. Studies in Honor of Ake W. Sjöberg* (ed. Behrens, et al.; Philadelphia, 1989) 193–203.

⁴¹ BBR 54:41; cf. Bottéro, "Art. Magie," *RLA* VII, 227.

⁴² Cf. Bottéro, "Art. Magie," 231.

she made the distraught man walk about disoriented.
 She caused paralysis in the victim's limbs,
 so that he twists his shoulders,
 and his sides cause pain (lines 9–11).

Marduk now asks his father Ea what he can do about this man's distress (lines 12–19). Ea, the lord of wisdom, gives him precise instructions about how to heal the man. First, he is to take a pot, to fill it with pure water, and to add several herbal ingredients as well as stones to it (lines 20–24). Ea's instruction to Marduk continues as follows:

and you then cast the Eridu incantation,
 and pour the liquid over the head of that man,
 so that the magic which he has in (his) body may flow away like water,
 so that (the magic) in his body may evaporate like sweat,
 (when) the winds have wafted it away (lines 25–29).

The water with its ingredients, poured out over the client, accompanied by the casting of the Eridu incantation will cause the evil to "flow away like water." As a result, the witch will not be able to attack the man any more; her spell will be broken. This is what will now happen to her and her sorcery:

As for her expertise, magic, and evil praxis:
 may she gnaw at her own fingers like cheese,
 may she always pronounce her words like pitch,
 and may (her) womb drip beer like a fermenting vat.
 May Utu, judge of heaven and earth, decide a bitter [fate] for her.
 May Nergal, lord of the Netherworld, not reckon her dead spirit as a proper ghost.

May Ningishzidda, throne bearer of the Netherworld,
 cut off the cold water (offering) to her dead spirit (lines 33–40)

....

may her own sorceries plague the witch like a baby scorpion.
 May they dig into her white flesh as (with) a stake,
 and may (the witch's) own sorcery prey upon her.
 May she bite her breasts in her (folded) forearms,
 and may she gnaw at her own fingers like cheese (lines 45'–49').

The afflicted person's deliverance from the effects of witchcraft is brought about through the washing rite (lines 26'–27'). It effects the release of the witchcraft. The water attains its releasing quality through the different ingredients that have been added to it and through the

life-giving spell of the Eridu incantation Ea instructs Marduk to cast. Intrinsically connected to it is the *reversion* of the sorceries. They will now attack the sorceress herself:

may her own sorceries plague the witch like a baby scorpion.
 May they dig into her white flesh as (with) a stake.
 May she bite her breasts in her (folded) forearms,
 and may she gnaw at her own fingers like cheese. (45'-49')

The witchcraft will turn against the witch so that she will suffer all the effects that she had intended for others. She annihilates herself. Her own witchcraft goes against her and attacks her, so that "she bites her breasts in her (folded) forearms, and gnaws at her own fingers like cheese" (lines 48'-49'). The incantation concludes with the instruction to "cleanse" the victim from the sorceries that have attacked him.

May Asalluhi, [with the Eridu] incantation,
 cleanse, [brighten and purify] the man, son [of his] god,
 and may he [entrust him] in security [to] the benevolent hand [of his
 personal god] (lines 55'-57').

...
 by the command of An and command of Enki [...]
 may the man, son of his god, [become clean, bright, and pure].
 [Wash him] like an oil jar,
 and [scrub] him like a butter dish,
 [assign him to] Utu, foremost [of the] gods,
 [so that] Utu, foremost [of the gods, can entrust him in safety] to the
 benevolent hand of his personal god.
 [whether it be] the personal god of that man, or Enki or [Asalluhi]
 (lines 70'-77').

The release of the sorceries and the reversion upon the sorceress is the work of Marduk and of the life-giving Eridu incantation that he casts. Ea, the god of magic, transfers the evil back upon its agent. However, Ea cannot do this by himself. The larger judicial framework that Shamash, the judge, presides over is necessary. Ultimately, Shamash's verdict restores the patient. Shamash assigns a bad fate to the enemy. Utu, the judge of heaven and earth, is called to "decide a bitter [fate] for her" (line 37) and to entrust the patient "to the benevolent hand of his personal god" (line 76'). The agency of the judge occurs in cooperation with the life-restoring activity of Marduk-Ea. It enacts the same decision on a different level. Ea is the god concerned with the protection of human beings from evil. However,

his reversion of evil has binding force only if it is safeguarded by Shamash's judicial verdict. This cooperation between Shamash and Ea in the reversion of evil explains more clearly how Shamash's verdict against evil is executed.

The gruesome self-annihilation of the witch is the result of the Gods' turning back her witchcraft against her so that it seizes her. *Maqlû* V:81 summarizes this reversion by stating: "Your machinations have returned against yourselves" (*ipšetēkunu ituranikunūši*). The enemy will suffer the very deed that he had aimed at his victim.⁴³

9.3.1.4 *Maqlû* I:1–36: "Her Word is Turned Back in Her Mouth; She is Tongue-Tied"

In its present form,⁴⁴ the incantation series *Maqlû* opens with an incantation to the gods of the night (I:1–36).⁴⁵ The invocation of the gods (lines 1–3) is followed by the petitioner's complaint. He describes

⁴³ Constitutive for this reversion of the deed against its doer is the acting of a deity as judge. In *Maqlû* VII:161–169, the incantation priest addresses the victim's enemies announcing to them that the gods, "will turn back your witchcraft and your enchantments (against you), so that they (the witchcraft and enchantments) seize you yourself."

⁴⁴ Tzvi Abusch has argued that, rather than just a loose collection of incantations, the 100 incantation series *Maqlû* is a coherent and complex ritual that was enacted in the course of one night and the following morning. There is, according to Abusch, a deliberate order and a sequential development in the arrangement of the incantations. Abusch claims that clear structuring signals divide the ritual in three sections, consisting of tablets I–V, VI–VII:52, and VII:53–VIII. See Abusch, "Art. *Maqlû*," *RLA* VII, 346–351. Cf. idem, "An Early Form of the Witchcraft Ritual *Maqlû* and the Origin of a Babylonian Magical Ceremony," in *Lingering Over Words* (ed. T. Abusch, J. Huehnergard, R. Steinkeller; HSS 37; Cambridge: Harvard University Press, 1990) 1–57.

⁴⁵ The *Maqlû* ritual ensues at night and culminates with the breaking of the new day (VII:53–VIII); the breaking of dawn announces the rescue of the exorcist's client. According to Abusch, the series of ten incantations quoted at the end of *Bit rimki* is not, as has long been assumed, an excerpt from the allegedly loosely organized 100 incantations *Maqlû* series. It rather represents the original short version of the ritual; the ten incantations cited in *Bit rimki* are the earliest version of *Maqlû*. The coherence of the ten incantations, which are from the first section of tablets I–V, surpasses that of the extended edition. The existent 100 incantations version is, in fact, the expanded version of a much shorter ritual, that was originally to be recited at dawn. In the *Bit rimki* version the first incantation is directed to Shamash; in the expanded version Shamash's name is replaced in this incantation with that of the god of the night Nusku. This is, according to Abusch, a clear editorial change. The original time of the recitation of the series, as it is preserved at the end of *Bit rimki*, was the early morning. By replacing Shamash with Nusku, the editors intended to make the series suitable to be recited at night and to culminate at dawn. For a

his miserable condition that is caused, as he asserts, by the machinations of a witch (lines 4–12).⁴⁶ The petitioner then initiates his lawsuit proper (lines 13–24). Appealing to the gods in their function as judges, he presents to them a figurine of his sorcerer and sorceress, and asks them to issue a favorable verdict for him:

Stand by me, O great gods, hear my complaint,
Judge my case, learn of my proceeding!
I have made a figurine of my sorcerer and of my sorceress,
Of him and her who contrive against me,
I have set (them) before you, I plead my case.
Because she has done evil and has attempted villainy,
May she be the one to die, let me live! (lines 13–19)

Subsequently, the petitioner lays out in detail how this is supposed to happen. Her sorcery may be dissolved (line 20), whereas he may be purified and absolved from all evil machinations through a variety of purificatory plants (lines 21–24). Finally, the petitioner states the outcome of his appeal to the divine judges (lines 25–29). The judges have rendered their verdict that affects both him and the sorceress. Regarding himself he states: “Before you I have become pure as grass, I have become clean and pure as soap plant” (lines 25–26). Regarding the witch, he states: “Her spell, that of the wicked sorceress, her speech is turned back to her mouth, she is tongue-tied” (lines 27–28). This double-sided result is the immediate outcome of the petitioner’s appeal to the divine judges. The reversion is expressed in stative form as something that *has* already occurred: “her word is turned back in her mouth, she is tongue-tied” (*Maqlû* I:28). No active agent of the reversion is mentioned. The sorceries themselves become agents and attack the sorceress. The witch who previously commanded the evil forces, does not control them any more. They attack her. This is similar to Ps 7:16 where the reversion also seems to occur as an immanent mechanism without the interference of an outside agent.⁴⁷

detailed interpretation of *Maqlû* I:1–36 see Tzvi Abusch, *Babylonian Witchcraft Literature. Case Studies* (BJS 132; Atlanta, GA: Scholars Press, 1987) 85–143. I follow the most recent translation by Benjamin R. Foster (*Before the Muses*, 571–572) which differs from Abusch’s translation in important respects.

⁴⁶ See B. Foster, *Before the Muses*, 571f.

⁴⁷ The incantation in *Maqlû* V:61–81 concludes with the summarizing statement: “Your machinations have returned upon you” (*ipšetêkunu ituranikunūšu*) (V:81). Also here, the machinations of the witch are the *agents* that now attack her.

Maqlû I:1–36 is an example that shows how the appeal to the divine judge *and* the execution of the judicial verdict take place in the course of the prayer itself. The recitation of the prayer was accompanied by the respective ritual acts. The prayer thus points to the reality that is undergoing change in the course of the recitation of the prayer. In this regard, *Maqlû* I:1–36 is very similar to Psalm 7 where the same change of mood from lament to joy takes place in the course of the recitation of the prayer itself. The petitioner begins his prayer with a lament and an appeal to the divine judges. He concludes his prayer with the joyful constation: “Before you I have become pure as grass, I have become clean and pure as soap plant” (lines 25–26). This incantation encompasses in one prayer the breadth of an incantation ceremony with its stages of appeal to the divine judge—execution of the judicial verdict—elimination of the evil—purification of the client. This shows that it is justified to compare the individual complaint psalms to the entire *incantation ceremony* rather than just to its *opening* incantation.⁴⁸

⁴⁸ *Maqlû* I:1–36 is only the first incantation ceremony in a complex liturgical sequence of 100 incantations. Abusch has argued that *Maqlû* is a complex liturgy that was enacted during one night and the following morning at the end of the month Abu. Cf. Abusch, “Art. *Maqlû*,” 347. According to Abusch, this liturgy has “a cosmic and divine framework, a central image, and a narrative progression that impart a distinctive character and tone to the ceremony.” Ibid., 349. “The purpose of the ceremony derive(s), in part, from the polarity of the celestial and subterranean world, the night-day contrast, and the experiences of the night . . . One of the main purposes of the *Maqlû* ceremony was to purge and protect the patient from the fearful experiences of the night and to assure him that they would not recur” (ibid.). The ritual concludes with several incantations celebrating dawn; in these incantations as well, the reversion of the evil is an important topic:

Dawn has broken; doors are now open;
 The traveler has passed through the gate;
 [The messenger] has taken to the road.
 Ha! witch: you labored in vain to bewitch me!
 Ha! enchantress: you tried for nought to enchant me!
 For I am now cleansed by the rising sun;
 [And whatever] witchcraft [you d]id or had done (against me during the night)
 May they turn back (against you) so that they seize yourself! (VII:153–160)

It is morning, yea morning.

...

At my door stands Palil;
 At the head of my bed stands Lugaledina
 I am sending against you the one at my door, Palil (and)
 The one at the head of my bed, Lugaledina.

...

9.3.2 *Individual Complaint Psalms*9.3.2.1 *YHWH's Reversion of Evil*

Our question is how in the individual complaint psalms YHWH acts to overcome the enemies threatening the petitioner, so that the psalmist's change of mood occurs. *Shamash's* judicial verdict in the divine judicial assembly opens the way for Ea and Marduk to effectively revert the evil against its agents. In Psalm 7, YHWH's judicial decrees in the height shape reality in such a pervasive way that their outcome can be described in the terminology of wisdom theology. In Ps 7:13–17 the petitioner envisions the enemy's *self-annihilation*:

Truly, again he whets his sword,
 he has bent his bow and strung it.
 But for himself he has prepared deadly weapons,
 is he making his arrows into fiery shafts.
 Behold, he conceives evil and is pregnant with mischief and brings
 forth deceit.
 He has made a pit and dug it out,
 but he fell into the hole that he was making.
 His mischief returns upon his own head,
 and to the crown of his head descends his violence.

The enemy is not able to *perform* the crime. Before the evil act can reach its addressee, it somehow reverts on its agent so that he falls into the hole that he is making (v 16). This is evidence of its *failure*. The deed itself is aborted and reverted upon its doer. He aims his weapons at himself. This frustration of the evil machination, its reversion before it can even reach its purpose, is the decisive feature in vv 14–17. Ps 7:13–17 describes the *self-destruction* of the wicked, a self-destruction that occurs in the place of the carrying out of the evil act. The same self-destruction is described in several other passages.

They will turn back your witchcraft and your enchantments (against you) so that they (the witchcraft and enchantments) seize you yourself! (VII:161–169)

At dawn my hands are washed.
 May a propitious beginning begin (the new day) for me,
 May happiness and good health ever accompany me,
 May I attain whatever I strive for,
 May the dream I dreamt be made favorable for me,
 May anything evil, anything untoward,
 the enchantments of warlock and witch,
 Not approach me or touch me.

By the command of Ea, Shamash, Marduk, and the princess Belet-ili. (VII: 170–177). Translation: Tzvi Abusch, "An Early Form of the Anti-Witchcraft Ritual *Maqlû* and the Origin of a Babylonian Magical Ceremony," 18.

The nations have sunk in the pit that they made;
 in the net that they hid has their own foot been caught.
YHWH has made himself known, he has executed judgment;
 the wicked are snared in the work of their own hands (Ps 9:16–17).

Here, the same notion of the self-annihilation of the enemies is present. They aim their acts back at themselves. This text attributes the frustration of the attack and the wicked's self-destruction through their very acts explicitly to YHWH's *judging* activity. In it, YHWH is at work.⁴⁹

The same notion is present in Ps 37:12–15:

The wicked plot against the righteous,
 and gnash their teeth at them;
 but YHWH laughs at him,
 for he sees that his day is coming.
 The wicked draw their sword and bend their bows
 to bring down the poor and needy,
 to kill those who walk uprightly;
their sword will enter their own heart,
and their bows will be broken.

Again, the wicked direct the weapons at themselves: "Their sword will enter their own heart." They experience their self-destruction. Another example is Ps 57:6–7, a prayer that is, as is Psalm 7, uttered *at dawn*:

Be exalted, O God, above the heavens.
 Let your glory be over all the earth.
 They set a net for my steps;
 my soul was bowed down.
They dug a pit in my path,
but they have fallen into it themselves.

Again, the normally expected course of action is suddenly reverted and the evildoers suffer the very destiny that they had devised for others. Psalm 7 sees the self-destruction of the enemies explicitly as the outcome of YHWH's judgment. *God* is responsible for the sudden reversal of the fate of the wicked.⁵⁰

⁴⁹ Psalm 9 supports our view that Ps 7:13–17 describes the *execution* of YHWH's judicial verdict in the height. Psalm 9 is, next to Psalm 8, the *song of thanksgiving* that the petitioner promises in Ps 7:18 to deliver in response to YHWH's judicial acting.

⁵⁰ What vv 13–17 describe is the manifestation of YHWH's *continuous* judicial activity (*ʿel zoʿem bēkol yôm*, v 12). Job 18:7–15 describes this self-effacing of the evil-

There is a structural analogy between the description of the reversion of the evil against its agents in the incantation ceremonies and the way it is described in the psalm texts quoted above. In both cases, the deity is involved in bringing it about. However, whereas in the *incantations* the reversion is enacted verbally or manually by the *āšipu*, the representative of the gods Ea and Marduk, in the *psalms* it is *YHWH* who reverts the evil against its agents. This reversion is not enacted ritually. It rather occurs in the realm of universal reality. The texts of the psalms *point* to what is occurring in the reality in which the petitioner is embedded.

9.3.2.2 “God Shoots the Arrow at Them.” The “Work of God” in Psalm 64

Especially in Psalm 64, the reversion motif is present in a form that is very similar to how the reversion is described in the incantation ceremonies:

- 2 Hear my voice, O God, in my complaint;
preserve my life from the dread enemy.
- 3 Hide me from the secret plots of the wicked,
from the tumult of evildoers,

doers in a way that is very similar to Ps 7:13–17, without seemingly mentioning any immediate divine involvement:

Their (that is, the evildoers’) strong steps are shortened,
and their own schemes throw them down.
For they are thrust into a net by their own feet,
and they walk into pitfall.
A trap seizes them by the heel;
a snare lays hold of them.
A rope is hid for them in the ground,
a trap for them in the path.
terrors frighten them on every side,
and chase them at their heels (Job 18:7–11).

Cf. also Job 18:12–21 and 15:17–35, especially v 35, with Ps 7:14. Though this passage does not explicitly attribute the self-effacing of the enemies to *YHWH*’s agency, another passage, Job 4:8–9, that also uses wisdom terminology to describe the fate of the evildoers, establishes in a clear way that there exists an intrinsic relation between the self-annihilation of the evildoers and *YHWH*’s agency:

As I have seen, those who plow iniquity
and sow trouble reap the same.
By the breath of God they perish,
and by the blast of his anger they are consumed.

Whereas in v 8 the self-annihilation appears to be an immanent mechanism, v 9 clearly attributes it to *YHWH*’s agency.

- 4 who whet their tongues like a sword,
they aim their arrows, bitter words,
- 5 in order to shoot from ambush at the blameless:
suddenly they shoot him, and they do not fear.
- 6 They hold fast to the evil word
they talk of laying snares secretly;
they say: "Who will see it"⁵¹
- 7 and search out crimes?⁵²
We are done; a well disguised dissemblance!"
And the mind is sinister⁵³ and the heart unfathomable.
- 8 But God shoots the arrow at them;
suddenly has come their wounding.
- 9 He caused them to stumble on account of their tongue;⁵⁴
all who see them will shake with horror.
- 10 And everyone will fear;
they will tell the deed of God
and ponder his work.
- 11 The righteous rejoices in YHWH
and takes refuge in him;
and all the upright in heart sing praises.

Vv 4–7 describe the actions of the evildoers. They

whet their *tongues* like swords,
they aim bitter words as their *arrows*,
in order to *shoot* from ambush at the blameless,
suddenly they *shoot him*, and they do not fear (vv 4–5).

Vv 8–9, in turn, describe how *YHWH* *reverts* these actions upon the evildoers themselves, before they can even execute them:

God *shoots the arrow at them*,
suddenly has come their wounding.
He caused them to stumble on account of their *tongue*.⁵⁵

God is the agent of the reversion; it occurs in exact symmetrical correspondence to the acting of the evildoers.⁵⁶ God is shooting at

⁵¹ Cf. L. Alonso-Schökel/C. Cerniti, *Salmos I (Salmos 1–72). Traducción, introducciones y comentario* (Estella: Editorial Verbo Divino, ²1994). Keep *lāmô* in v 6b as referring to *môqēšim*, instead of changing it to *lanû* (BHS).

⁵² Read v 7a as the continuation of v 6b (cf. Gunkel, *Psalmen*). Subject of the clause is *mî* v 6b. Read *wēyahpōš* instead of *yahpēšu* MT. Cf. *HALAT* s.v. *hāpaš*.

⁵³ Read *ʾanūš* instead of *ʾiš*; cf. Jer 17:9.

⁵⁴ Read *wayyakšilēmô ʾalê* (BHS).

⁵⁵ See Alonso-Schökel/Cerniti, *Salmos I*, 838f, for the detailed correspondences between the evildoers' and YHWH's action.

⁵⁶ Cf. *Maqlû* II:160–180 and VII:58–83.

them the arrow *they* were shooting. As *suddenly* as they were shooting has come *their* wounding, and God has caused them to stumble on account of their *tongue* that they were whetting as swords. The reversion occurs according to the theme "everything that you have done, I turn against yourself."⁵⁷ V 10 summarizes this acting of God by calling it the *deed* and *work* of God.⁵⁸

In Psalm 64, God is clearly the agent of the reversion. In Ps 7:13–17 this reversion follows the same mechanism; its language, however, is taken from wisdom tradition: "He [has] made a pit and dug it out, and he fell into the hole that he was making" (7:16). In the psalms, the reversion is, obviously, not, as in the Assyrian and Babylonian incantations, enacted by a ritual expert who, using a figurine of the enemy, performs the ritual in the name of the deity. Rather, *YHWH* is the agent of the reversion, and it happens on the level of universal reality. The petitioner of Psalm 7 envisions this universal agency of *YHWH*.

9.3.2.3 *The Universal Dimension of YHWH's Judicial Acting*

The parallel formulations in the incantation ceremonies and in the psalms quoted above show that there really is an *agent* of reversion. By pronouncing words and performing the corresponding ritual, the incantation-priest, who is acting in representation of the gods Ea and Marduk, reverts the evil upon the witch. In Psalms 7 and 64 one has to see *YHWH* as this agent. *YHWH* is the king of the *universe*. That is why the reversion is expressed in terms of *wisdom* theology. *YHWH's* acting as judge, *YHWH's* power over universal reality, enables God to revert evil against its doer. In the psalms the reversion is not mediated by an incantation-priest. The divine judicial verdict effects the reversion of the evil against its agents. Whereas in the ritual accompanying the incantations, the exorcist enacts this reversion in symbolic representations, in the biblical psalms this reversion is brought about by the divine acting that pervades the whole creation (Psalm 7, 36, 57, 64). *YHWH* is in control of the universal sphere of reality. As in the incantations, the deity needs to be called upon to intervene. *YHWH* has to be called upon to decree

⁵⁷ *Maqlû* VII:105.

⁵⁸ This terminology is significant. It is the terminology that Isaiah uses to describe the work (*ma'aseh*) of *YHWH* in Isa 5:12, 10:12, and 28:21. Cf. also Psalm 28. Psalm 64 thus gives a glimpse at how this acting of *YHWH* occurs.

the verdict. As in the incantations, the petitioner has to follow a precisely determined ritual in order to obtain YHWH's judicial verdict.

The biblical prayers of the individual are transmitted without any ritual context. Any hint at an analogous role for a ritual expert is missing. The active agency of YHWH takes place in the course of the recitation of the prayer by the petitioner. In the Babylonian texts as well, there are rituals that have only the *verbal* part (*šu-íl.la* prayers).⁵⁹ Similarly to the Akkadian *Šu-íl.la* prayers, the psalms speak of divine action without the intermediate level of symbolic ritual representation.⁶⁰ They *point* to the overcoming of the evil in the *verbal* part, in the prayer itself. In Ps 7:13–17 the psalmist envisions how the very reversion of the evil against their agents that the incantations depict as being enacted by the *āšipu* takes place in the reality the petitioner is experiencing. It takes place in the reality that is surrounding the petitioner (Ps 7:13–17, 57:7, 64:8–9). YHWH acts without the mediation of an image or representative (*šalāmu*). The petitioner is exposed to this acting and he experiences the transfer from death to life. This is the reason for the petitioner's change of mood and the reason for his promise to praise YHWH for the deed that he has done (Ps 7:18, 57:8–12, 64:10–11). This is the reason why some of the biblical psalms of complaint of the individual do not attribute the change of mood from lament to joy to a salvation-oracle.⁶¹

A characteristic feature connecting psalms and incantations is that the incantation-priest often performs his ritual at dawn, at the breaking of the new day. Dawn, the transition from night to day, from darkness to light, is the propitious time for appeals to the *judge*. At dawn the divine judicial assembly convenes to decree its verdicts. At

⁵⁹ Cf. Bottéro, "Art. Magie," 214, 217.

⁶⁰ There are fundamental theological problems in establishing a complete analogy between the *ritual* annihilation of evil in the Babylonian incantation-ritual and the biblical psalms of the individual, arguing that one has to assume the *ritual* enactment of the annihilation of evil in the psalms as well. These problems have to do with some fundamental differences concerning the representation of the gods in images. The Old Testament does not have *divine images* either. In the same way as it portrays God without the intermediary level of the "graven image" it portrays divine agency without the intermediary level of its enactment by the ritual expert. That is the reason why it is impossible to assume a structural analogy down the line between the psalms and the Mesopotamian rituals.

⁶¹ An oracle of salvation *announces* the salvation. However, it is not yet the effective annihilation of the evil. In the incantation-rituals and in several of the individual complaint psalms (Pss 6, 7, 57), in contrast, the very *elimination of the evil* takes place in the course of the recitation of the prayer.

this time of the day, an individual in existential distress can apply to the divine judicial assembly for a *verdict* that is supposed to revert the evil deeds of the petitioner's enemies against themselves and to liberate him from their machinations. The appeals to the judge are thus related to a universal horizon that transcends the institutions of any particular society. This universal horizon has to do with the concerns of the law-suits. Disease, unfavorable omens, evil in different manifestations have a *universal* dimension. A community is open from all sides to the universal reality. That several of the rituals are performed for the *king* and his well-being demonstrates that the society as a whole, including the king himself, can be affected by the power of evil.⁶²

9.4 CONCLUSION

We have now looked at several genres of prayers of the individual to the divine judge, in which the petitioner asks for a favorable verdict. In all cases, the acting of the divine judge takes place in the realm of universal reality. According to the prayers of diviner and incantation-priest, it takes place in the judicial assembly that convenes at dawn. It is a characteristic feature of divine judicial acting that it occurs independently from human acting. In the ordeal procedure in 1 Kgs 8:31–32 YHWH is *active* in the execution of the judicial verdict in the course of the ordeal by enforcing the curses against the violator of a treaty; in the petitioner's appeal in Psalm 7, YHWH is active in reverting the evil against its agents. Divine

⁶² The *Bit rimki* ritual is an extended lawsuit to Shamash, the supreme judge of the gods, in which the king appeals for a favorable judicial verdict. There are two versions of the ritual tablet of *Bit rimki*, the Ninive-recension (cf. J. Laessle, *Studies on the Assyrian Ritual and Series bit rimki* (Copenhagen, 1955) 21) and the Uruk-recension (cf. E. v. Weiher, *Spätbabylonische Texte aus Uruk*, Teil II [Ausgrabungen der Deutschen Forschungsgemeinschaft in Uruk/Warka 10; Berlin, 1983] Nr. 12). For a German translation of the ritual tablet of *Bit rimki* see Walter Farber, "Ritualtafel der Serie 'bit rimki' (Badehaus)," in: *Texte aus der Umwelt des Alten Testaments Vol. II. Orakel, Rituale, Bau- und Votivinschriften, Lieder und Gebete* (ed. O. Kaiser; Gütersloh: Gütersloher Verlagshaus, 1986–1991) 245–255. The *Bit rimki* ritual is to be enacted at dawn. The king "waits for the rise of the sun. As soon as the sun has risen, the king bathes himself in water, dresses himself with a clean ritual-robe, and takes his place in the 'house of ritual bath.'" (Cf. W. Farber, "Ritualtafel der Serie 'bit rimki,'" 249 [Ninive-recension Col IV:34–36]). This timing of the ritual has to do with the fact that the early morning is the time when the gods come together for judgment. It is the time when they issue judicial verdicts. It is, therefore, the propitious time for an appeal to the divine judge to take up one's case.

judicial acting is qualitatively different from human acting. It consists in the enforcement of curses (ordeal procedures), the decreeing of omens (prayer of the diviner), and the reversion of evil against its agents (prayer of the incantation-priest). In all these cases, the divine judicial verdict has an effect on powers and forces to which human beings are exposed but which they do not control. The human self-understanding that reflects itself in these texts is that of the human being as a radically finite creature that is embedded in the world as a sphere of powers and forces. Only the gods have the power to act upon these forces. This is the characteristic feature of *Shamash's* acting as judge. It also characterizes *YHWH's* judicial activity.⁶³ The petitioner's change of mood does here not occur on account of the restoration of divine presence (the petitioner's entering the temple, the proclamation of an oracle of salvation) but on account of active divine intervention leading to the annihilation of the enemies that are besetting the petitioner. Psalms 7, 57, and 64 differ from other psalms that ask for the defeat of the enemies and the psalmist's deliverance from them, in that here the change of mood from complaint to joy takes place in the course of the recitation of the prayer.⁶⁴

Thus, there are different ways how *YHWH* responded to a petitioner's complaint. *YHWH* could give him or her an oracle of salvation. That is what the psalmist is asking for in Ps 35:3. Also in Psalm 3 the petitioner has received an oracle of salvation. In other cases, however, *YHWH* responds to the complaint by intervening and reverting the evil against their agents. That is what happens in Psalm 7:13–17.

Finally, the Babylonian incantation liturgy *Maqlû* shows that the incantations are embedded in a cosmic framework. The deity's acting as judge is correlated to the breaking of dawn (dawn is the time of the convening of the divine judicial assembly). This "cosmic framework" is an important factor that accounts for the petitioner's change of mood from complaint to joy. In Psalm 6 this is the case, as we have seen, in that the psalmist's mood changes from complaint to joy at the breaking of dawn. Thus, there is a variety of factors that can

⁶³ There are, to be sure, other sides to *YHWH's* acting as judge (see e.g., Psalms 26, 75, and 82). However, also in these texts it is crucial to see that *YHWH's* acting as judge takes place in the sphere of universal reality.

⁶⁴ In Psalm 35, the petitioner urges *YHWH* to intervene. He does not, however, report the *realization* of *YHWH's* intervention. There is no change of mood in Psalm 35.

cause the psalmist's change of mood from complaint to joy. There is no general rule and one has to carefully interpret each of the psalms individually to see how the deliverance through YHWH's acting occurs.

9.5 "JOY COMES WITH THE MORNING" (Ps 30:6): PSALMS 3-7 AS A REDACTIONAL LITURGICAL SEQUENCE

In the following, we will analyze whether Psalms 3-7 form a redactional sequence that was intended to be used liturgically in the course of one night and the following morning. Psalm 3 is the petitioner's prayer of confidence and trust addressed to YHWH in the middle of the night, after he has received a sign by YHWH that YHWH will support the psalmist in the midst of his troubles.⁶⁵

In *Ps* 5:4 the petitioner prays:

O YHWH, in the morning you will hear my voice; (*YHWH boqer tišma' qôlî*)
in the morning I will plead my case to you, and watch. (*boqer 'e'erāk-lēkâ wa'ašappēh*)⁶⁶

This announcement anticipates a *judicial* situation.⁶⁷ V 4 is an announcement that clearly points beyond the situation of Psalm 5. The petitioner announces to YHWH that he will direct a prayer to YHWH,

⁶⁵ Cf. the interpretation of Ps 3 in chapter 4.6 above.

⁶⁶ Cf. the translation by Hossfeld/Zenger, *Die Psalmen*, 65.

⁶⁷ The elliptical use of *'arak* appears in Job 37:19 as well: "We cannot draw up our case because of darkness" (*lō' na'arōk mišpānē ḥōšek*). This corresponds exactly to the use of the verb in Ps 5:4. In addition, by arguing that one cannot plead one's case in the darkness of the night, this last passage indirectly points out that the propitious time for pleading one's case is *dawn* (Ps 5:4). In Job 13:18, Job declares:

I have indeed prepared my case (*'araktî mišpāt*);
I know that I shall be vindicated (*'ešdaq*).

In Job 23:4, Job argues:

I would lay my case before him (*'e'erkâ lēpanayw mišpāt*) and fill my mouth with arguments.

Job has a *lawsuit* with YHWH. He uses *'arak mišpāt* as a technical term meaning "to plead one's case." In Job 33:5, the same verb as in Ps 5:4 is used elliptically. Elihu asks Job to,

answer me, if you can;
set your words in order before me (*'arkâ lēpānay*);
take your stand.

The *morning* is the time of the convening of the divine assembly for judgment. It is, therefore, the propitious time for the appeal to the divine judge.

the judge, at the propitious time, *at dawn*. That is, Psalm 5 is a preparatory prayer that is not spoken at dawn but in the nightly hours preceding dawn.⁶⁸ In Psalm 5, the petitioner's rescue is still far away. The psalmist intends to motivate YHWH to act by promising to praise God in the community of the faithful that will gather in the temple for this occasion (v 12).

The above observations, according to which Psalms 3 and 5 are prayers to be spoken at night, open a new perspective on Pss 3–7 as a coherent textual sequence. It has long been observed that Psalms 3–7 have a common background and are related in style and vocabulary.⁶⁹ It seems to be plausible to see the redactional sequence of Psalms 3–7 as referring to the course of *one* night. Psalm 6 reflects a deep crisis. The prayer is spoken in the dark of the night (v 7) and the psalmist's mood-change in Ps 6:9–11 is caused by the *breaking of dawn*. It signals to the psalmist that YHWH is active and that the enemies besetting him or her will lose their power.⁷⁰ That the *breaking of dawn* causes the petitioner's change of mood comes especially to the fore if one reads Psalm 6 in the redactional sequence of Psalms 3–7. Ps 6:2–8 is the petitioner's prayer in the deepest and most critical phase of the night, immediately preceding the breaking of dawn. The prayer that the psalmist in v 10 is convinced YHWH will accept is *Psalm 7*, the prayer he had announced in Ps 5:4. Psalm 7 is the petitioner's appeal to the divine judge in the judicial assembly at dawn (vv 7–12). Now, *at dawn*, at the moment

⁶⁸ Beyerlin argues that the verbs *ʿarak* and *šapâ* refer to the preparation of a sacrifice. He thus translates the second half of the verse: "in the morning I will *prepare for you* and *dish up*." In the morning the petitioner would offer a sacrifice and wait for a positive oracle from YHWH in response to it. See Beyerlin, *Die Rettung der Bedrängten*, 93; cf. also K. Seybold, *Die Psalmen*, 28.

⁶⁹ W. Beyerlin, *Die Rettung der Bedrängten*, argued that Psalms 3, 4, 5, and 7 have to be explained as psalms of the accused and refer to different occasions of an institution of sacral judgment. Hossfeld/Zenger explain the similarities between Psalms 3–7 as signs of a conscious redaction and collection of psalms. Cf. Hossfeld/Zenger, *Die Psalmen*, 56: "Ps 3 ist durch eine Reihe von linearen Verknüpfungen mit den nachfolgenden Psalmen zur Komposition der Ps 3–7 verbunden . . . Zusammen mit Ps 7 bildet Ps 3 den 'Eckpsalm' der Komposition, die paradigmatische Notsituationen vorstellt. Die beiden Eckpsalmen zeigen den (politisch) verfolgten Beter, dessen Sprache vom Königsgebet beeinflusst ist. Ps 4 stellt das Bittgebet eines Armen dar, Ps 5 das eines Beters in Rechtsnot, Ps 6 das eines Kranken." Cf. also M. Millard, *Die Komposition des Psalters*, 127–132, who has observed as connecting features especially the references to night and sleep in Psalms 3, 4, and 6, and the reference to the morning in Psalm 5. See also B. Janowski, "JHWH der Richter—ein rettender Gott. Psalm 7 und das Motiv des Gottesgerichts," *JBT* 9 (1994) 53–85.

⁷⁰ Cf. the interpretation of Psalm 6 in chapter 4.7 above.

of the convening of the divine judicial assembly, the petitioner, who went through a deep crisis during the night, a crisis, in which even YHWH became an enemy, will appeal to YHWH, asking the divine judge to proclaim a favorable verdict for him in the assembly of the gods. Psalm 7 is thus the culmination of the liturgy. One cannot appeal to the divine judge without this preparation.⁷¹ In their current literary arrangement, Psalms 3–7 reflect a process through which the petitioner goes. One characteristic aspect of these preparatory stages is that in their course the petitioner experiences a *crisis*. In the critical phase of the night, the petitioner experiences not only the aggressions of the enemies but also the forsakenness by YHWH (Ps 6:2–4). In the sequence of Psalms 3–7, Psalm 6 is the only prayer in which the psalmist utters a *God-complaint*. Here, the petitioner experiences in an existential way his or her isolation and desperation. This crisis precedes the sudden change of mood in vv 9–11.⁷²

YHWH's acting as judge, for which the petitioner appeals in Psalm 7, occurs in heaven, in the heavenly judicial assembly (Ps 7:7–10). The convening of the judicial assembly is correlated to dawn, to the transition from night to day. The petitioner's distress stands in interconnection with all the powers in the creation. The enemies are representatives of powers and forces. The psalmist is exposed to these powers and forces. His whole bodily existence is intertwined with them. That is why he has to address the ruler of the creation. He or she appeals to YHWH, the *judge of the universe*. Psalm 7 describes precisely how YHWH's judicial verdict realizes itself in such a way that the petitioner experiences a real change of his situation. The evil is reverted upon itself and thus annihilates itself. This experience leads to the petitioner's change of mood and moves him to thank YHWH for the rescue from his distress (v 18). The *execution* of YHWH's judicial verdict against the enemies is narrated in Ps 7:13–17. It realizes itself in the *divine reversion of the acting of the enemies against themselves*, so that they suffer their self-destruction. This acting of YHWH in Psalm 7 leads to the petitioner's change of mood and to

⁷¹ Cf. the preparation and purification of the diviner in *BBR* Nr. 1–20. Also Ps 17:4 indicates that the divine judicial verdict I connected with the petitioner's examination in the course of the *night*: "If you try my heart, if you visit me by night, if you test me, you will find no wickedness in me; my mouth does not transgress."

⁷² Another example of such an existential crisis that precedes the deliverance is Psalm 22: the petitioner experiences the *bodily* extinction (vv 14–21a) before experiencing salvation (vv 21b–31).

his or her experience of rescue. The situation of the petitioner cannot be separated from what happens in the whole creation. He is an integral part of it. This is far from being a *natural* theology. Rather, the petitioner experiences himself as a creature and YHWH as the *creator*.⁷³

In the following, we will briefly explore the further history of interpretation of Psalms 3–7, in which the tendency to *historicize* the universal framework of reference of these psalms becomes apparent.

9.6 THE ABSALOM NARRATIVE AS A “MIDRASH” TO PSALMS 3–7

Reading Psalms 3–7 as a secondary compositional *sequence*, one becomes aware of the meaning of the superscriptions in Ps 3:1 and 7:1 that refer to the Absalom-narrative. First of all, they form an *inclusio* and thus indicate that Psalms 3–7 belong together. Further, it is the characteristic feature of the Absalom narrative that it evolves around *one* critical night.⁷⁴

The superscription of Psalm 3 is: “A Psalm of David, when he fled from his son Absalom.” The superscription of Psalm 7 is: “A Shiggaion of David, which he sang to YHWH, in accordance with the words of Cush, a Benjaminite.” Scholars agree that the name Cush in Ps 7:1 refers to the *Cushite* of 2 Sam 18:21ff (cf. LXX), that is, to the messenger who reports to David the news about Absalom’s death. The superscription points out that there is a connection between the petitioner’s appeal to the divine judge (Ps 7:9; *šoptēnî YHWH*), and the content of the message of the Cushite who, in 2 Sam 18:31, reports to David as follows:

Good tidings for my lord the king!

For YHWH has vindicated you (*kî-šēpātēkâ YHWH*) this day from the hand of all those who were rising up against you (*miyyad kol-haqqāmîm ‘ālēkâ*).

The verb *šāpaṭ* with YHWH as subject in 2 Sam 18:31 (*šēpātēkâ YHWH*) corresponds exactly to the psalmist’s petition in Ps 7:9:

⁷³ A further indication of this is that according to Ps 6:7 the psalmist complains that he is weeping “every night.” However, only in *this* night, in the night and the morning of his appeal to YHWH the judge, a change of his situation will occur. Thus, there is no automatic correlation of joy and morning but it is because of YHWH’s *acting* at dawn that the weeping ends and turns into joy.

⁷⁴ See M. Millard, *Die Komposition des Psalters*, 132.

"Judge me, O YHWH" (*šoptēnû YHWH*). *ʿal dibrê Cush* in the superscription of Psalm 7 indicates that the prayer is "in accordance with the words of Cush."⁷⁵ The Cushite presupposes that, in Psalm 7, David *had* asked YHWH to rescue him from his enemies. David would have addressed his prayer (Psalm 7) to YHWH *at dawn*, at the end of the long crucial night during which he had been fleeing from Absalom. According to the narrative in 2 Samuel, David, while fleeing from Absalom, had prayed to YHWH: "O YHWH, I pray you, turn the counsel of Ahitophel into foolishness" (2 Sam 15:31). YHWH heeds this prayer and defeats the good counsel of Ahitophel who had advised to attack David without giving him the chance to first reorder his forces. After this night, "at the light of morning" David and his men cross the Jordan (2 Sam 17:22). This coincides with the time when David would have addressed his appeal to YHWH, the judge (Psalm 7). David would thus have prayed Psalm 7 in the *morning* of the day of the battle. The crossing of the Jordan is a powerful image. David recedes to Israel's situation before entering the promised land, thus evoking past experiences of salvation. Now ensues the battle that gives David victory over Absalom. After the battle, the messenger reports to David that YHWH heeded David's call for deliverance (*šēpāṭēkā YHWH*). The message that the Cushite gives to David in 2 Sam 18:21ff. expresses YHWH's *response* to David's prayer (Psalm 7). Furthermore, the message of the Cushite in 2 Sam 18:31 takes up the first words of *Psalm 3*. If one reads Psalm 3 in the context of the Absalom narrative, David, while fleeing from Absalom, would have prayed (Ps 3:2):

O YHWH, how many are my foes!

Many are rising against me (*rabbîm qāmûm ʿalay*).

After the battle, the Cushite announces to David that he has been delivered "from the hand of all who were rising against you" (*miyyad*

⁷⁵ Scholars generally translate the phrase *ʿal dibrê Cush* as, "because of the words of Cush," meaning that David would have *responded* to the Cushite's message about Absalom's death by speaking the prayer of Psalm 7, invoking the divine judge to rescue him from his enemies. In this case, Absalom's murderers, rather than Absalom himself and his people, would be his enemies. However, this interpretation is not convincing. According to the narrative in 2 Sam 18, rather than addressing a prayer to YHWH, the judge, David's reaction to "the words of Cush" was weeping and mourning. The weeping and mourning David breaks into this lament: "O my son Absalom, my son, my son Absalom! Would I had died instead of you, O Absalom, my son, my son!" (18:33).

kol-haqqāmūm 'ālēkā) (2 Sam 18:31). The superscriptions of Psalms 3 and 7 situate the ritual enactment of the *sequence* of Psalms 3–7 in the crucial and critical night *preceding* David's victory over Absalom.

According to the superscriptions to Psalms 3 and 7, the narrative about David's victory over Absalom in 2 Sam 18 can be understood only on the basis of the prayers that David addressed to YHWH in that crucial night and the following morning. Psalms 3–7 are not “a midrash to the Absalom-narrative” (Millard). Rather, to say it pointedly, the Absalom narrative is a “midrash” to Psalms 3–7: According to the redactors who supplied these superscriptions to Psalms 3 and 7, the *theological* rationale for David's victory comes to the fore only if one reads Psalms 3–7 as the prayers that David directed to YHWH during that crucial night and at the breaking of dawn. They took the Absalom story as an illustration of how this theologically crucial interaction between the petitioner and YHWH, that Psalms 3–7 depict, plays out in the sphere of history.

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PART THREE

SUMMARY

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CHAPTER TEN

THE UNIVERSALISTIC THEOLOGY OF DIVINE AGENCY IN THE OLD TESTAMENT. SUMMARY CONCLUSIONS

10.1 RECAPITULATION: THE REALISTIC DIMENSION OF THE BIBLICAL EXPERIENCE OF HISTORY

How is it possible to understand the central biblical confession that God acts in history? This notion is incompatible with the modern concept of history, according to which history is the sequence of facts that manifests itself in the causally determined space-time continuum. Our thesis is that the biblical portrayal of God as an agent in history and creation is *realistic*. The realistic interpretation of the notion of God's agency is based on two presuppositions: (1) It assumes the *universality* of history. *Time itself* is the ultimate horizon of the world (G. Picht). According to this assumption, everything, even human reason and consciousness are exposed to the dynamic of history. This implies the radical finiteness and historicalness of human reason; it is impossible for human beings to claim that they *have* the truth. They rather are continuously exposed to the self-revelation of truth. (2) It requires the questioning of the "linguistic turn" as an adequate approach to the interpretation of biblical texts; biblical texts point to a reality that is beyond language. Biblical texts have an external reference that cannot be defined in terms of an empirical, ideal, or ontological concept of reality.

The main problem for a *realistic* understanding of the biblical notion of divine agency is the specific form of human self-positioning in the world. The conception of the world in terms of the dichotomy of freedom and nature, of subject and object, of history and nature, that is, the conception of the world in terms of the space-time continuum, is incompatible with the notion of divine agency because it is an expression of the human self-understanding as the autonomous subject that positions itself in the sphere of freedom. Biblically, in contrast, human beings are radically finite and historical beings who are exposed, with their whole existence, to the

sphere of powers in which they are embedded and with which they have to get in the right contact in order to survive.

According to the Greek understanding of history, human thinking and consciousness are an integral part of the very sphere of history that the historian intends to understand. History is, at the same time, anthropology, economics, and political science. Similarly, for the biblical notion of history, human society is exposed to the agency of YHWH, the creator of history and nature. Human society has to attempt to get in the right contact with the source of power that is beyond its control.

Beginning with the romantics, the historical method replaced the biblical notion of *God's* agency with that of human agency. Human beings came to be seen as God's representatives and as those who propel the course of history. Human beings see themselves as the sole agents; history is understood to be linear, as directed toward an ultimate goal. Rather than being embedded in a sphere of powers with which they have to get in the right contact, human beings are seen as autonomous beings who act in a value-neutral universe. The resulting notion of history was taken to be genuinely biblical. The biblical theology movement of the fifties and even the existential understanding of history presupposed the dichotomy of history and nature that lies at its basis. The *narrative* reading of the Old Testament replaces the notion of history with that of *story*. God is a character in the text and does not have an impact on the universal reality that encompasses nature and history.

Against this development in the understanding of the biblical notion of history, we claimed that the biblical view accounts for a complex realistic understanding of history, according to which human beings and human society are embedded in a sphere of powers and have to continuously strive for getting in the right contact with the source of power that is beyond their control. Isaiah 1-6 is a coherent work of historiography that does not present history in a linear form as the sequence of facts in the causal continuum but as the continuous interaction of human society with the sphere of power that surrounds it and that is beyond its control. Israel's violation of justice and righteousness disturbs this delicate balance between human and divine power. That is why it has world-historical consequences; it is the reason for the aggression of the Assyrians in the latter half of the eighth century. Isaiah's complex view of history comes to the

fore if one, rather than treating the text as an object, locates oneself *in* the texts as if one were walking through a landscape.

The biblical self-understanding of the human being as a creature that is exposed to the sphere of powers in which it is embedded and that has to strive to get into the right contact with the source of power in order to survive, comes to the fore also in the individual complaint psalms. In Psalm 7, YHWH as the source of power is the supreme judge of the universe. To this judge the petitioner directs his appeal, asking to be rescued from the enemies that are besetting him, threatening to take his life. Whereas in a number of individual complaint psalms the *absence of God* is the main cause of the psalmist's distress, leading them to ask for the restoration of divine presence, in Psalm 7 the petitioner appeals to YHWH, the judge, asking for the annihilation of the *enemies*. The divine decreeing of a verdict in the judicial assembly in the height, rather than an institution of sacral judgment at the temple that is administered by the temple-personnel and rather than the ontological mechanism of the act-consequence relation, leads to the petitioner's experience of rescue. As in Assyro-Babylonian prayers to Shamash, the supreme judge of the gods, the divine annihilation of evil takes place on the basis of a magical understanding of the dynamic of power; evil can be *reverted* against itself through symmetrical actions. It takes place in analogy to the overcoming of the forces of darkness by the power of the light that occurs every morning anew on a universal level. Especially the prayer of the diviner (chap. 8) and the incantations to Shamash by the incantation-priest and his client are prayers to the divine judge who presides over the judicial assembly at dawn. These prayers are embedded in ritual ceremonies that enact the execution of the judicial assembly's verdict in such a way that the petitioner really experiences the annihilation of the evil besetting him (chap. 9). The change of mood that the incantation-priest's client experiences in the course of the incantation-ceremony, has its counterpart in some of the individual complaint psalms where the petitioner experiences a change of mood in the course of the recitation of the prayer. In the individual complaint psalms, however, this does not manifest itself in a *ritual ceremony*. Rather, God's acting that pervades the whole creation has a liberating effect on the psalmist as well. In Psalm 7 YHWH's execution of the verdict and the divine annihilation of evil (Ps 7:13-17) take place in the realm of universal

reality and pervade the whole creation. The petitioner is an integral part of the creation; he is a finite being and as such he or she experiences the change of mood. Further, Psalm 7 can be taken as the culminating prayer of a redactional liturgical sequence that encompasses Psalms 3, 4, 5, 6, and 7. This liturgy is enacted in the course of one night and the following morning. Whereas the psalmist undergoes a deep crisis in the night (Ps 6:2-8), at the breaking of dawn he or she attains the certainty that his or her enemies will be defeated and that he or she will be rescued. Psalm 7 is the concluding appeal to the divine judge at dawn, asking for a verdict and narrating subsequently the annihilation of the enemies (vv 13-17).

The experience of divine agency in *history* is the same one that the psalmists experience in their *current reality* of distress. The biblical texts express a complex view of reality, according to which human beings and human society are embedded in a sphere of powers with which they have to make the right contact. This understanding of reality is important not only on the *societal* and *historical* (Isaiah 1-6) but also on the *individual* and *cultic* level (Psalms 3-7). We conclude this investigation by demonstrating that the same universal horizon of divine agency is present also in other psalms and can serve as an interpretive key to these texts.

10.2 THE INVISIBLE POWER OF YHWH'S VOICE (PSALMS 28-30)

Once one reads Psalms 28-30 as a sequence,¹ one notices explicit connections between Psalms 28 and 30. Psalm 28 is a petitionary psalm, asking for YHWH's intervention in terms of the reversion of the deeds against their agents:

Repay them according to their work,
and according to the evil of their deeds;
repay them according to the work of their hands;
render them their due reward. (v 4)

¹ I leave it open what the *Sitz im Leben* of this sequence would be, whether it is a purely compositional sequence that exists only on the level of the final redaction of the texts, or whether these texts belong together originally. I do claim, however, that this sequence describes a theological reality that is not just a literary fiction but that expresses the Israelite experience of reality. In this regard, it is insignificant whether the textual arrangement is secondary or not.

Psalms 28 and 30 are songs of thanksgiving that respond to the experience of having been rescued from the distress. In Ps 28:1 the psalmist urges YHWH not to let him come to resemble those "who have gone down to the Pit." In Ps 30:4, the singer thanks YHWH, for "you restored me to life from among those gone down to the Pit." In Ps 28:2, the psalmist appeals to YHWH to listen to his "cry for help" (*běšaw'î 'ēlākā*); in Ps 30:3, he confesses: "I cried to you for help (*šūwaw'ttî 'ēlākā*) and you have healed me." The psalmist has experienced a complete reversal of his situation.

The psalmist's experience of divine agency that has occurred "between" Psalms 28 and 30 is revealed in Psalm 29. Psalm 29 illustrates the work of YHWH and his deed that Psalm 28 calls for. It is an appeal to the divine beings to praise YHWH, and it hymnically describes the invisible might of YHWH that pervades the whole creation. YHWH's power is audible. God's voice has an enormous impact (vv 3-9).

Ascribe to YHWH, O heavenly beings, ascribe to YHWH glory and strength.

Ascribe to YHWH the glory of his name; worship YHWH in holy splendor.

The voice of YHWH is over the waters; the God of glory thunders, YHWH, over mighty waters.

The voice of YHWH is powerful; the voice of YHWH is full of majesty.

The voice of YHWH breaks the cedars; YHWH breaks the cedars of Lebanon.

He makes Lebanon skip like a calf, and Sirion like a young wild ox.

The voice of YHWH flashes forth flames of fire.

The voice of YHWH shakes the wilderness;

YHWH shakes the wilderness of Kadesh.

The voice of YHWH causes the oaks to whirl, and strips the forest bare;

and in his temple all say, "Glory!"

YHWH sits enthroned over the flood; YHWH sits enthroned as king forever.

May YHWH give strength to his people! May YHWH bless his people with peace!

The *voice* of YHWH is the same power that manifests itself in YHWH's deeds and works; it is able to bring about the reversion of the deeds upon their doers, in correspondence to their deeds. The *same* might of YHWH does both things. In Psalm 29 this universal invisible might of YHWH is described in such a way that it becomes imaginable

as the fundamental force that controls the whole creation and keeps it going. It is audible as YHWH's "voice." According to Psalm 29 this force and power is given to YHWH by the divine beings who "bring" it to YHWH, bowing down to him. That is, the divine beings cede their own power and hand it over to YHWH (Ps 29:1-2):

Ascribe to YHWH, O heavenly beings, ascribe to YHWH glory and strength.

Ascribe to YHWH the glory of his name; worship YHWH in holy splendor.

This power is invisible but it nevertheless is a reality that can be experienced. YHWH's act of reverting the deeds is intrinsically connected to God's power in the creation. The divine beings praise YHWH continually; in response to YHWH's acting they exclaim: "Glory" (*kābôd*).

There are *textual* connections between Psalms 28 and 29 and Psalms 29 and 30 as well. First of all, in Psalm 28 the psalmist urges YHWH not to be silent to him (Ps 28:1).² Psalm 29 then is about the power of YHWH's *voice* (*qôl*) that resounds through all of creation. Ps 28:5 accuses the evildoers of not regarding the deeds of YHWH and the work of his hands.³ Psalm 29 is, in fact, about the *work* of YHWH that powerfully pervades all of creation and, at the same time, is invisible for those without understanding (*bînâ*). Furthermore, the word 'ôz is a term that connects the *three* psalms. Ps 28:7-8 praises YHWH for being the psalmist's and his people's 'ôz. YHWH is the refuge (*mā'ôz*) of his anointed (v 8). According to Psalm 29:1, in turn, the divine beings bring YHWH 'ôz (strength), so that YHWH can give strength ('ôz) to his people (29:11). In Psalm 30, the psalmist remembers that, before his distress, YHWH had established him "as a strong mountain" (*lēharē'î* 'ôz). There is a complex interaction between the 'ôz that YHWH receives from the divine beings (29:1) and the 'ôz that YHWH returns to the people so that they will not be moved (*bal-'emmôt*, Ps 30:7) nor dismayed (*hayyitî nibhal*, Ps 30:8). This interaction expresses a dynamic perception of reality. Creation is a sphere of powers and forces to which human beings, as creatures, are exposed.

Psalm 30 is the psalm of thanksgiving that responds to the experience of having been rescued from the enemies and from death

² See the verbs *hāraš* and *hāšā* in Ps 28:1.

³ Cf. Isa 2:8 and 5:12,19.

itself. The petitioner speaks here clearly as a bodily existence. Without defense, he was exposed to the sphere of forces and powers that shape reality. He addressed YHWH as the one who is *mightier* than these forces and powers because he is the creator. He now calls upon human beings to join in the praise of the divine beings (Psalm 29) by singing songs of thanksgiving to YHWH for having been rescued (Ps 28:7b and 30:5,13).

The appeal to God and the experience of the rescue have to be understood in the context of the whole creation. The rescue of the petitioner has repercussions in the entire creation; it can happen only because the power that is present in the creation is directed toward the petitioner. In all of this, the distinction between good and evil plays a crucial role. The practice of justice and righteousness is a crucial factor for the activation of YHWH's power in favor of the petitioner. The practice of evil ("they speak *peace* with their neighbors, while *mischievousness* is in their hearts," Ps 28:3) is a perversion and a damage to creation; it will lead YHWH to respond by reverting the evil against its doers (Ps 28:4). The theology present in Psalms 28-30 is the same one that is characteristic of Psalm 7; in Psalm 7 YHWH's agency as judge *at dawn* testifies to this power of the *creator*.⁴

10.3 HUMAN PARTICIPATION IN THE UNIVERSAL COMMUNICATION OF YHWH'S RIGHTEOUSNESS (PSALM 40)

An important aspect of the universal dimension of YHWH's power and righteousness that annihilates evil is that it extends not only throughout all of creation but that the righteous themselves are active participants in creation; they actively help to communicate and to extend YHWH's power and righteousness throughout all of creation. Human beings share and participate in the communication of

⁴ The same universal dimension of YHWH's power that is present in Psalm 7 is visible in Ps 57. V 7 is the center of the whole psalm. It describes the reversion of the evil against their doers and has to be understood in the light of the psalm's universal theology:

They set a net for my steps;
my soul was bowed down.
They dug a pit in my path,
but they have fallen into it themselves.

The psalmist's rescue is related to the power of YHWH's glory that fills the whole creation (V 6). His rescue takes place *at dawn* (vv 8-12). Cf. also Ps 36:1-5 with 6-10 and Ps 37:12-15.

YHWH's power. To a certain degree, the presence of *YHWH's* glory (*kābôd*) in the creation is *dependent* on this human communication of *YHWH's* righteousness. The psalmists communicate and extend *YHWH's* glory by expressing it through their very existence, their singing and praising.⁵

Psalm 40 is a song of thanksgiving. Here the petitioner understands her whole bodily existence to be a medium expressing and communicating *YHWH's* glory and righteousness (vv 8–12):

Then I said, See I have come
with the scroll of the book that is written concerning me.⁶
To do your grace, O my God, I delight,
and your *torah* is in my heart.
I have told the glad news of righteousness (*sedeq*) in the great congregation;
See, I have not restrained my lips, as you know, O *YHWH*.
I have not hidden your righteous acts within my heart,
I have spoken of your faithfulness and your salvation;
I have not concealed your steadfast love and your faithfulness from
the great congregation.
Do not, O *YHWH*, withhold your mercy from me;
let your steadfast love and your faithfulness keep me safe forever.
(vv 7–12)

The petitioner emphasizes that the *torah* and *YHWH's* acts of righteousness are in her heart (cf. Jer 31:33; Ps 37:31) and that she has not *concealed* them there. To the contrary, she has proclaimed them *publicly*, communicating *YHWH's* justice and righteousness to the congregation. The psalmist is a living manifestation of *YHWH's* *torah* and righteousness (*sedeq*). In her whole bodily existence she is a part of the creation that communicates *YHWH's* righteousness. Through her ears that God has dug her (Ps 40:7), she becomes transparent for the *torah*. She has presented the scroll that documents her wonderful rescue from her distress. Indeed, she herself is the scroll, and the book (the *torah*) is written upon her.⁷ With her whole existence,

⁵ This comes very nicely to the fore in Psalm 57. The petitioner sings that he will, by way of his praise and hymn, awaken dawn.

⁶ The metaphor implies that the book is written on the psalmist himself.

⁷ Cf. for this imagery 2 Cor 3:2–3:

“You yourselves are our letter, written on our hearts, to be known and read by all; and you show that you are a letter of Christ, prepared by us, written not with ink but with the Spirit of the living God, not on tablets of stone but on tablets of human hearts.”

with her whole body, with her gestures and her acting in the world she communicates YHWH's salvific act. She is the living torah. She communicates it by praising YHWH's deeds, and by not hiding YHWH's righteousness in her heart. The psalmist becomes transparent for YHWH's acting in the world. The psalmist's public proclamation and communication of YHWH's *hesed* and *'emet* complement the psalmist's confession in Ps 36:5-6:

Your steadfast love (*hesed*), O YHWH, extends to the heavens, your faithfulness (*'emûnâ*) to the clouds.

Your righteousness is like the mighty mountains, your judgments are like the great deep;

You save humans and animals alike, O YHWH.

YHWH's steadfast love and faithfulness, God's justice and righteousness have this universal extension because human beings *participate* in its proclamation and extension in response to the wonderful deliverances they have experienced. Thus, the psalmists become an integral part of the world as YHWH has created it. They stand in solidarity with the whole creation. They are reintegrated in the sphere of life. Human beings are here seen as universal beings. In their whole bodily existence they *reflect* YHWH's righteousness that fills the whole creation. They are an expression of the glory (*kābôd*) of YHWH. In Psalm 57 this universal dimensionality of human existence expresses itself in the song of praise that intends to awaken dawn.

This universal theology reflects the realistic dimension of God's agency in history and nature. That YHWH fills heaven and earth, not in a spatial way, but in the representation of *power*, is an integral feature of this universal theology. Rather than being an ontological entity in the way that one could identify YHWH with specific material forces, the biblical texts present YHWH as the one who comes from *beyond* the world, as the life-giving presence that manifests itself in blessing and grace. The world itself is continually dependent on this life-giving presence that one can only *address* but not define and possess. *This experience* of God's agency is the origin of the biblical claim that God acts.

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Christoph Onno Schroeder, Ph.D. (1999) in Biblical Studies/Old Testament, Princeton Theological Seminary, is Pastor of a Lutheran Church in Großhansdorf, Germany. He has published several articles on Biblical Theology and Psalms, including 'A Love Song: Psalm 45 in the Light of Ancient Near Eastern Marriage Texts' (*CBQ* 58, 1996).

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